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हास भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

**Separate Paging is given to this Part in order that it may be filed as a
separate compilation**

भाग II—हण्ड 3—उप-वाण्ड (ii)
PART II—Section 3—Sub-Section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India (other than
the Ministry of Defence)

वाणिज्य मंत्रालय

प्रारंभ

मई विल्ली, 9 अक्टूबर, 1990

का.आ. 2763:—नियंत्र (क्वालिटी नियंत्रण और निरीक्षण) (अधिनियम, 1963 (1963 का 22)) की धारा 6 द्वारा प्रदत्त शक्तियों का
प्रयोग करते हुए, केन्द्रीय सरकार ने भारत सरकार के वाणिज्य मंत्रालय
प्रयोग करते हुए, केन्द्रीय सरकार ने भारत सरकार के वाणिज्य मंत्रालय
की अधिसूचना सं. का.आ. 3102, नारीख 3 नवम्बर, 1973 का
संघीयता के लिए नीति विनियिक्षण कानून प्रस्ताव बनाया है और उसमें
संघीयता के लिए नीति विनियिक्षण कानून प्रस्ताव बनाया है और उसमें
नियंत्र (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम
11 के उपनियम (2) की अपेक्षानुसार नियंत्र निरीक्षण परियद की भेज
दिया है,

अतः, अब, केन्द्रीय सरकार, उक्त उपनियम के अनुसरण में, उक्त
प्रस्ताव को उन व्यक्तियों की जानकारी के लिए प्रकाशित करती है जिनके
उनसे प्रभावित होते की संभावना है।

2. इसके द्वारा यह सुनाया दी जाती है कि उक्त प्रस्ताव के बारे में
कोई आपेक्षा या सुनाव भेजने की ओर उक्त वाला व्यक्ति उसे उस
लारीख से जिसको इस अदेश को अन्वेषित करने वाले राजपत्र की प्रतियो
जनता को उपलब्ध करावं जाती है। पैमानोंम वित के भीतर नियंत्र
जनता को उपलब्ध करावं जाती है।

नियंत्र नियम, 11वीं मंजिल, प्रगति द्वारा, 26, 'राजेन्द्र' प्लॉम, मई
द्विली-110008 को भेज सकेगा।

प्रस्ताव

नियंत्र (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963
(1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते
हुए, केन्द्रीय सरकार, नियंत्र निरीक्षण-परियद, से परामर्श करने के पश्चात्,
भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 3102,
नारीख 3 नवम्बर, 1973 का नियन्त्रित नियंत्रण करती है, अर्थात्:—

उक्त अधिसूचना में, पैरा 1 के उपपैरा (4) में "किया गया है,"
के द्वारा, प्राप्ति के पश्चात् नियन्त्रित नियंत्रण किए जाएंगे,
अर्थात्:—

"नियंत्र (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963
(1963 का 22) की धारा 7 के अधीन केन्द्रीय सरकार
द्वारा सुनाव, कलकत्ता, कोणीन, विल्ली और महाम में स्थापित
किसी नियंत्र निरीक्षण अधिकरण द्वारा।"

[काइल सं. 6/19 90/साहिण्डी]
यदि टिप्पणी: मण्डल अधिसूचना का भाग संख्या 3102 नारीख 3-11-1973
द्वारा प्रकाशित है।

(4621)

**MINISTRY OF COMMERCE
ORDER**

New Delhi, the 9th October, 1990

S.O. 2768.—Whereas in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government has formulated certain proposals specified below for amending the notification of the Government of India in the Ministry of Commerce, No. S.O. 3102, dated 3rd November, 1973 and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule the Central Government hereby publishes the said proposal for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objection or suggestion with respect to the said proposal may forward the same within forty-five days of the date on which the copies of the Official Gazette containing the Order are made available to the public, to the Export Inspection Council, 11th Floor, Pragati Tower, 26, Rajendra Place, New Delhi-110008.

PROPOSALS

In exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government, after consulting the Export Inspection Council, hereby makes the following amendment to the notification of the Government of India in the Ministry of Commerce, No. S.O. 3102, dated 3-11-1973, namely :—

In the said notification, in paragraph (1), in sub-para (4) after the words “in this behalf”, the following words shall be inserted namely :—

“or by any of the Export Inspection Agencies established by the Central Government at Bombay, Calcutta, Cochin, Delhi and Madras under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).”

[File No. 6/19/90-EI & EP]

FOOT NOTE : The Principal Notification was published vide No. S.O. 3102 dated 3-11-1973.

आवेदन

का.आ. 2769.—नियाति (क्वालिटी नियंत्रण और निरीक्षण) प्रधि-
नियम, 1963 (1963 का 22) की धारा 6 हारा प्रवत्त अक्षियों का
प्रयोग करते हुए, केन्द्रीय सरकार ने भारत सरकार के तत्कालीन विवेद
व्यापार मंत्रालय की अधिसूचना सं.का.आ. 3601, तारीख 1 अक्टूबर
1971 का संशोधन करने के लिए नीचे विविहित कठिपण प्रस्ताव बनाया
है और उन्हें नियाति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964

के नियम 11 के उपनियम (2) की अपेक्षानुसार नियाति विवेद नियम 11 को ऐज दिया है;

अतः, अब केन्द्रीय सरकार उक्त उपनियम के अनुसरण में उक्त प्रस्तावों को उन व्यक्तियों की जानकारी के लिए प्रकाशित करती है जिनके उनसे प्रभावित होने वी संभावना है।

2. इसके द्वारा यह सूचना ही जाती है कि उक्त प्रस्तावों के संबंध में कोई आवेदन या सुमाव ऐजने वी बात करने वाला व्यक्षित उन्हें उम्मीदीय से जिसकी हस्त अदेशिंग थी ग्रन्तिष्ठित करने वाले राजपत्र का प्रतियोगी जनना को उपलब्ध कराई जाती है, पैताखोस दिन के भीतर नियाति निरीक्षण परिषद्, 11वीं मंजिल, प्रापान दावर, 26, राजेन्द्र नगर, नयी दिल्ली-110008 को ऐज सकेगा।

प्रस्ताव

नियाति (क्वालिटी नियंत्रण और निरीक्षण) प्रधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रवत्त अक्षियों का प्रयोग करते हुए, केन्द्रीय सरकार, नियाति निरीक्षण परिषद् से परामर्श करने के पश्चात् भारत सरकार, के तत्कालीन विवेद व्यापार मंत्रालय की अधिसूचना सं.का.आ. 3601 तारीख 1 अक्टूबर, 1971 का नियमनिवित संशोधन करती है, अवश्यः—

उक्त अधिसूचना में, वैरा 1 के उपर्या (4) में “किसी अस्त्र अधिकारी द्वारा” शब्दों के पश्चात् नियमनिवित गम्बद अस्त्रस्पायित किए जाएंगे अपरिवर्तनः—

“वा नियाति (क्वालिटी नियंत्रण और निरीक्षण) प्रधिनियम, 1963 (1963 का 22) की धारा 7 के भवीन केन्द्रीय सरकार द्वारा, मुम्बई, कलकत्ता कोचीन दिल्ली, और भद्रास में स्थापित किसी नियाति निरीक्षण प्रधिकरण द्वारा।”

[फाईल सं 6/19/90-ईपीईस ईटी]
पाद दिव्याणा : मुम्बई अधिसूचना का०था० संख्या 3601 तारीख 1.10.1971
में प्रकाशित हुई।

ORDER

S.O. 2769.—Whereas in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government has formulated certain proposals specified below for amending the notification of the Government of India in the erstwhile Ministry of Foreign Trade No. S.O. 3601 dated 1st October, 1971 and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule the Central Government hereby publishes the said proposal for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposal may forward the same within forty-five days of the date on which the copies of the Official Gazette containing the Order are made available to the public, to the Export Inspection Council, 11th floor, Pragati Tower, 26, Rajendra Place, New Delhi-110008.

PROPOSALS

In exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act,

(22 of 1963), the Central Government, after consulting the Export Inspection Council, hereby makes the following amendment to the notification of the Government of India in the earstwhile Ministry of Foreign Trade, No. S.O. 3601, dated 1st October, 1971 namely :—

In the said notification, in paragraph (1), in sub-para (4) after the words "in this behalf", the following words shall be inserted namely :—

"or by any of the Export Inspection Agencies established by the Central Government at Bombay, Calcutta, Cochin, Delhi and Madras under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963)".

[File No. 6|19|90-EI & EP]

FOOT NOTE : The principal Notification was published vide S.O. No. 3601 dated 1-10-1971.

आवेदन

का.आ. 2770:—मियाति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार के भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 1127 तारीख 21 अप्रैल, 1973 का संशोधन करने के लिए नीचे विविध प्रस्ताव बनाए हैं और उन्हें मियाति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) की अपेक्षानुसार नियांति निरीक्षण परिषद् को नीचे दिया है :

अतः अब केन्द्रीय सरकार उन उपनियम के अनुसरण में उक्त प्रस्ताव कोई उन व्यक्तियों की जानकारी के लिए प्रकाशित करने हैं जिनके उनसे प्रसाधित होने की मंभावना है।

2. इसके द्वारा यह सूचना दी जाती है कि उक्त प्रस्तावों के बारे में को आक्षेप या सुशाव भेजने की बात करने वाला व्यक्ति उन्हें उन तारीख से, जिसकी इस आक्षेप को घल्फिल्ट करने वाले राजपत्र की प्रतियां जनता को उपलब्ध कराई जाती हैं, पैसालीस दिन के भीतर मियाति निरीक्षण परिषद्, 11वीं मंजिल, प्रगति द्वारा, 26, राजेश्वर प्लॉम, नवी दिल्ली-110008 को भेज सकेगा।

प्रस्ताव

मियाति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, मियाति निरीक्षण परिषद् से परामर्श करने के पश्चात् भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 1127 तारीख 21 अप्रैल, 1973 का निम्नलिखित संशोधन करनी है, अर्थात् :—

उक्त अधिसूचना में ऐरा 1 में उपरोक्त (4) में "किसी अन्य अधिकारी द्वारा" शब्दों के पश्चात् निम्नलिखित अन्तर्धायित किया जाएगा, अर्थात् :—

"या नियाति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन केन्द्रीय सरकार

द्वारा सुन्दरी, कलकत्ता, कोचीन, विल्सो और मद्रास में स्थापित किसी नियंति निरीक्षण अधिकारण द्वारा।"

[फाईल सं. 6/19/90-ईआईएप्सी] पाद टिप्पण : मध्य अंडमान और निकोबार अंडमान और निकोबार अंडमान और निकोबार सं. 1127 तारीख 21-4-73 में प्रकाशित हुई।

ORDER

S.O. 2770.—Whereas in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government has formulated the proposal specified below for amending the notification of the Government of India in the Ministry of Commerce No. S.O. 1127 dated 21st April, 1973 and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of Rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule the Central Government hereby publishes the said proposal for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposal may forward the same within forty-five days of the date on which the copies of the Official Gazette containing the Order are made available to the public, to the Export Inspection Council, 11th floor, Pragati Tower, 26, Rajendra Place New Delhi-110008.

PROPOSALS

In exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government, after consulting the Export Inspection Council, hereby makes the following amendment to the notification of the Government of India in the Ministry of Commerce, No. S.O. 1127, dated 21-4-1973, namely :—

In the said notification, in paragraph (1), in sub-para (4) after the words "in this behalf", the following words shall be inserted namely :—

"or by any of the Export Inspection Agencies established by the Central Government at Bombay, Calcutta, Cochin, Delhi and Madras under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963)".

[File No. 6|19|90-EI&EP].

FOOT NOTE : The principal Notification was published vide S.O. No. 1127 dated 21-4-1973.

आवेदन

का.आ. 2771:—मियाति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने भारत सरकार के तत्कालीन विवेश व्यापार मंत्रालय की अधिसूचना सं. का.आ. 2907, तारीख 05 अगस्त, 1971 का संशोधन पारों के लिए नीचे विविधित कतियां प्रस्ताव बनाए हैं और उन्हें मियाति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) की अपेक्षानुसार मियाति निरीक्षण परिषद् को भेज दिया है।

प्रतः अब, केन्द्रीय सरकार, उक्त उपनियम के प्रत्युत्तरण में, उस प्रस्तावों को उन व्यक्तियों की जानकारी के लिए प्रकाशित करती है जिनके उनसे प्रभावित होने की संभावना है।

2. इसके बारा यह सूचना दी जाती है कि उन प्रस्तावों के मंबद्ध में कोई आक्षेप या सुझाव भेजने की वांछा करने वाला अवक्षित उन्हें उस तारीख से जिसको इस आवेदण को अन्वेषित करने थाने राजपत्र की प्रतियां जनता को उपलब्ध कराई जाती हैं, पैनानीम दिन के भीतर नियांत्रित निरीक्षण परियद्, 11वीं मंजिल, प्रगति टावर, 26 राजेन्द्र प्लैस, नई दिल्ली-110008 को भेज सकेगा।

नियांत्रित (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त गणित्यों का प्रयोग करते हुए, केन्द्रीय सरकार नियांत्रित निरीक्षण परियद् में परामर्श करने के पश्चात् भारत सरकार के तत्कालीन विदेश व्यापार मंत्रालय की अधिसूचना म. का.आ. 2907 तारीख 5 अगस्त, 1971 का निम्नलिखित मंशोधन करती है, अथवा:—

उक्त अधिसूचना में, पंचा 1 (के) उपपंचा (4) में, “किसी अन्य अधिकारी द्वारा” शब्दों के पश्चात् निम्नलिखित शब्द अन्तर्यापित किए जाएंगे, अर्थात्:—

“या नियांत्रित (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के प्रधीन केन्द्रीय सरकार द्वारा मुम्हूँ, कलकत्ता, कोचीन, विल्ली और मद्रास में स्थापित किसी नियांत्रित निरीक्षण अधिकारण द्वारा।”

[फाईल सं. 6/19/90-ईआईएफएफी]

ऐ.के. चौधुरी, निवेशक,

पात्र टिप्पण : मुख्य अधिसूचना का.आ. सं. 2907 तारीख 5-8-1971 में प्रक-प्रिव द्वारा।

ORDER

S.O. 2771.—Whereas in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government has formulated certain proposals specified below for that amending the notification of the Government of India in the erstwhile Ministry of Foreign Trade No. S.O. 2907, dated 5th August, 1971 and has forwarded the same to the Export

Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule the Central Government hereby publishes the said proposal for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objection or suggestion with respect to the said proposal may forward the same within forty-five days of the date on which the copies of the Official Gazette containing the Order are made available to the public, to the Export Inspection Council, 11th Floor, Pragati Tower, 26 Rajendra Place, New Delhi-110008.

PROPOSALS

In exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government, after consulting the Export Inspection Council, hereby makes the following amendment to the notification of the Government of India in the erstwhile Ministry of Foreign Trade, No. S.O. 2907, dated 5th August, 1971 namely :—

In the said notification, in paragraph (1), in sub-para (4) after the words “in this behalf”, the following words shall be inserted namely :—

“or by any of the Export Inspection Agencies established by the Central Government at Bombay, Calcutta, Cochin, Delhi and Madras under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).”

[File No. 6/19/90-EI & EP]

A. K. CHAUDHURI, Director

FOOT NOTE : The principal Notification was published vide S.O. No. 2907 dated 5th August, 1971.

कार्य एवं नागरिक पूर्ति मंत्रालय

नागरिक पूर्ति मंत्रालय

भारतीय मानक व्यूरो

नई दिल्ली, 18 सितम्बर, 1990

का. आ. 2772.—भारतीय मानक व्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उपनियम (6) के प्रत्युत्तरण में भारतीय मानक व्यूरो एवं दूसरा अधिसूचित करता है कि जिस/जिन लाइसेंस (मों) का/के विवरण नीचे दिया गया है/दिया गया है, वह/वे उसके/उनके मामले दी गई तिथि से रद्द कर दिया गया है/दिया गया है।

प्रत्युत्तरण

क्र.सं.	लाइसेंस संख्या तथा विनाक	लाइसेंसधारी का नाम व पता	दूसरा लाइसेंस के अंतर्गत वस्तु/प्रथम तथा रह किए जाने की तारीख सम्बन्धी भारतीय मानक	(4)	(5)
(1)	(2)	(3)			
1. श्री एम/एल-1085312	मनमंडली आरती मिनरल्स (पेस्टीक्साइडम डिव्हिजन)	१-५/७ भव्य रोड, फरादायाद	ग्रेन्योरेट पायमनीय मानक S - 8291--1976	22 म.ध. 1986	

MINISTRY OF FOOD AND CIVIL SUPPLIES

(Department of Civil Supplies)

BUREAU OF INDIAN STANDARDS

New Delhi, the 18th September, 1990

S.O.2772.—In pursuance of sub-regulation (6) of regulation 65 of the Bureau of Indian Standards (Certification) Regulation 1988, the Bureau of Indian Standards hereby notices that the licence(s) particulars of which is/are given below has/have been Cancelled with effect from the date indicated :

SCHEDELE

Licence No. (CM/L-)	Name and Address of the licensee	Article/Process with relevant Indian Standard covered by the licence cancelled	Date of Cancellation
(1)	(2)	(3)	(4)
CM/L-1085342	M/s. Artec Minerals (Pesticides Division) 15/7, Mathura Road, Faridabad (Haryana)	Phenthroate Emulsifiable Concentrates -IS : 8291—1976	1990-30-22

[No. CMD/55 : 1085342]

नई दिल्ली, 21 सितंबर, 1990

का. अ. 2773.—भारतीय मानक व्यूरो (प्रमाणन) विभाग, 1988 के विभाग 5 के उपर्याक्षम (6) के अनुसरण में भारतीय मानक व्यूरो द्वारा अधिकृति करता है कि जिम्मेदारी (गों) का/के विवरण नीचे दिया गया है/दिया गया है। वह/ये उपकरण मानक व्यूरो द्वारा नियंत्रित नहीं कर दिया गया है/दिया गया है।

अमृतसरी

क्र.सं.	माइक्रो बंद्धा नथा दिनांक	लाइसेन्सरी का नाम व पता	इह लाइसेन्स के अन्तर्गत वस्तु/प्रधान स्थान वह विधि जाने की नामीख मन्त्रालय भारतीय मानक	(4)	(5)
(1)	(2)	(3)	(4)	(5)	
1. सं. एम/एन-1932660	मे. हरिकिशनदास दीप चन्द्र प्रा. लि. IS : 7532—1974 डी. १, सेक्टर ८, नौएडा, जिला—गाजियाबाद (उ. प्र.)	मुद्रा संचय		1990-02-15	

[सं. एम/एन-1932660]

New Delhi, the 21st September, 1990

S.O.2773.—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulation 1988, the Bureau of Indian Standards hereby notifies that the licence(s) particulars of which is/are given below has/have been Cancelled with effect from the date indicated :

SCHEDELE

Licence No. (CM/L—)	Name and Address of the licensee	Article/Process with relevant Indian Standard covered by the licence cancelled	Date of Cancellation
(1)	(2)	(3)	(3)
CM/L-1932660	M/s. Harkaran Dass Deep Chand Pvt. Ltd. D-1, Sector VIII, Noida, Distt. Ghaziabad (U.P.)	IS : 7532—1974 Soft soap	1990-02-15

[No. CMD/55 : 1932660]

का. आ. 2774.—भारतीय मानक व्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उपविनियम (6) के अनुसार में भारतीय मानक व्यूरो द्वारा प्रधिसूचित करता है कि जिन लाइसेंसों का/के विवरण नीचे दिया गया है/हैं वह/वे उनके सामने वाली गई तिथि से रद्द कर दिया गया है/हैं गए हैं।

मनुसूची

क्र.सं.	लाइसेंस संख्या तथा दिनांक	लाइसेंसधारी का नाम व पता	रद्द लाइसेंस के अन्तर्गत वस्तु/प्रक्रम संघर्ष	रद्द किए जाने की तारीख
(1)	(2)	(3)	(4)	(5)
1.	सी.एम/एल-1967376	मै. ओमेगा लैब एड इंडस्ट्रीज 156 मंगलवार पेठ, बारनी रोड, पारंगी चौक पुणे-411011	IS : 5410--1969 वॉलपेपर रंग के सीमेंट रोगन	1989-05-01

[संख्या सी.एम/एल-55 : 1967376]

S.O. 2774.—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulation 1988, the Bureau of Indian Standards hereby notifies that the licence(s) particulars of which is/are given below has/have been cancelled with effect from the date indicated :

SCHEDULE

Licence No. (CM/L—)	Name and Address of the licensee	Article/Process with relevant Indian Standard covered by the licence cancelled	Date of Cancellation
(1)	(2)	(3)	(4)
CM/L-1967376	M/s. Omega Lab & Inds., 156, Mangalwar Peth, Barne Road, Pargeshowk, Pune-411011	IS : 5410—1969 Cement Paint, colour as required	1989-05-01

[No. CMD/55 : 1967376]

नई विलंबी, 24 जितम्बर, 1990

का. आ. 2775.—भारतीय मानक व्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उपविनियम (6) के अनुसार में भारतीय मानक व्यूरो द्वारा प्रधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे दिया गया है/हैं वे/उनके सामने वाली गई तिथि से रद्द कर दिए गए हैं।

मनुसूची

क्र.सं.	लाइसेंस संख्या तथा दिनांक	लाइसेंसधारी का नाम व पता	रद्द लाइसेंस के अन्तर्गत वस्तु/प्रक्रम संघर्ष	रद्द किए जाने की तारीख
(1)	(2)	(3)	(4)	(5)
1.	0.681412	मै. सनर कॉम्पनी इंडस्ट्रीज, पंडित मोर्ती लाल नेहरू मार्ग जमना किला, पुणे-782004 (उ. प्र.)	एन्ड्रेजन पायसलीय मानक IS : 1307--1982	1990-06-20

[मा. सं. पा. शी.55 : 0381442]

New Delhi, the 24th September, 1990

S.O. 2775.—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulation 1988, the Bureau of Indian Standards hereby notifies that the licence(s) particulars of which is/are given below has/have been cancelled with effect from the date indicated :

SCHEDULE

Licence No. (CM/L-)	Name and Address of the licensee	Article/Process with relevant Indian Standard covered by the licence cancelled	Date of Cancellation
(1)	(2)	(3)	(4)
1. 0381442	M/s. Sunray Chemical Inds., Pandit Motilal Nehru Road, Jamuna Kinara, Agra-282004 (UP)	Aldrin Emulsifiable Concentrates, 1990-06-20 IS : 1307—1982	

[No. CMD/55: 0381442]

का. या. 2776.—भारतीय मानक ब्यूरो (प्रभाणम) विभिन्नम, 1988 के विभिन्नम 5 के उपविभिन्नम (6) के प्रत्युत्तरण में भारतीय मानक ब्यूरो एसद्वारा प्रधिसूचित करता है कि जिस/जिन लाइसेंस(रों) का/के विवरण नीचे दिया गया है/शिया गया है, कानूनी उपके/उपके सामने वी यह नियम से रद्द कर दिया गया है/नियम गया है।

प्रत्यक्षी

क.सं. लाइसेंस संख्या तथा विसांक	लाइसेंसधारी का नाम व पता	रद्द लाइसेंस के प्रत्यक्षी वस्तु/प्रक्रम तथा रद्द किए जाने की तारीख
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(1)	(2)	(3)	(4)	(5)
1. सी एम/एम-1126027	मे. प्रकाश पुल्वराइजिंग मिल्स, 1 ओल्ड इंडस्ट्रियल एरिया, रेलवे गेज़ घैट के सामने, अलवर-301001	श्री ढी टी भुरकन चूर्ण	आई एस : 564—1984	89-09-07

[स. सी एम ए/55:1126027]

S.O. 2776.—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulation 1988, the Bureau of Indian Standards hereby notifies that the licence(s) particulars of which is/are given below has/have been cancelled with effect from the date indicated :

SCHEDULE

Licence No. (CM/L-)	Name and Address of the licensee	Article/Process with relevant Indian Standard covered by the licence cancelled	Date of Cancellation
(1)	(2)	(3)	(4)
CM/L-1126027	M/s. Prakash Pulverising Mills, 1, Old Industrial Area, Opp. Rly Goods shed. ALWAR-301001.	DDT Dusting Powders IS : 564—1984	89-09-07

[No. CMD/55-1126027]

तर्हि विली, 1 अक्टूबर, 1990

पा. आ. 2777.—भारतीय मानक ब्यूग्रो तियम्, 1987 के नियम 2 के उपनियम (1) के लंबे "य" के अनुसरण में भारतीय मानक ब्यूग्रो एन्ड हार्ड अविस्तृतिक फर्मा है कि तीव्रे दिए गए मानक(कों) में संशोधन न किया गया है/किए गए हैं।

अधिकृती

क.सं. संशोधन भारतीय मानक की संख्या और दर्पण संशोधन की संख्या और तियम् संशोधन तार्ग से वा तारीख

(1)	(2)	(3)	(4)
1. IS : 869--1976	सं. 1 फरवरी 1989	28 फरवरी 1989	
2. IS : 910--1980	सं. 1 फरवरी 1989	--वही--	
3. IS : 1280--1975	सं. 1 फरवरी 1989	--वही--	
4. IS : 1715--1986	सं. 1 फरवरी 1989	--वही--	
5. IS : 2557--1963	सं. 1 फरवरी 1989	--वही--	
6. IS : 3347 (भाग 3/खंड 2)--1982	सं. 1 फरवरी 1989	--वही--	
7. IS : 3347 (भाग 5/खंड 1)--1979	सं. 1 फरवरी 1989	--वही--	
8. IS : 3361--1979	सं. 2 फरवरी 1989	--वही--	
9. IS : 3417--1979	सं. 2 फरवरी 1989	--वही--	
10. IS : 4332 (भाग 6)--1972	सं. 1 फरवरी 1989	--वही--	
11. IS : 3512--1986	सं. 1 फरवरी 1989	--वही--	
12. IS : 4407 (भाग 1)--1980	सं. 1 फरवरी 1989	--वही--	
13. IS : 4571--1977	सं. 5 फरवरी 1989	--वही--	
14. IS : 5447--1978	सं. 1 फरवरी 1989	--वही--	
15. IS : 6172--1979	सं. 2 फरवरी 1989	--वही--	
16. IS : 6487--1983	सं. 1 फरवरी 1989	--वही--	
17. IS : 8050--1976	सं. 1 फरवरी 1989	--वही--	
18. IS : 8058--1976	सं. 1 फरवरी 1989	--वही--	
19. IS : 8258--1976	सं. 2 फरवरी 1989	--वही--	
20. IS : 8702--1978	सं. 2 फरवरी 1989	--वही--	

(1)	(2)	(3)	(4)
21. IS : 9390—1980		सं । फरवरी 1989	—वही—
22. IS : 11685—1986		सं । फरवरी 1989	—वही—
23. IS : 12036—1987		सं । फरवरी 1989	—अटी—
24. IS : 12057—1987		सं । फरवरी 1989	—इर्दी—

इन संशोधनों की प्रतियोगी भारतीय मात्रक व्याग्रे, मात्रक भवन, 9 बहाबुरमाह अफर मार्ग, नई दिल्ली-110001 और क्षेत्रीय कार्यालयों वस्ती, कलकत्ता, चेन्नैगढ़ तथा मद्रास और पाल्का कायोलयों अहमदाबाद, बंगलोर, भोपाल, भुवनेश्वर, गुवाहाटी, हैदराबाद, जयपुर, कोल्कता, पटना और दिल्लीमें विभी हेतु उपलब्ध है।

[म. क. प. फ/12—5]

New Delhi, the 1st October, 1990

S.O. 2777.—In pursuance of clause (b) of Sub-Rule (1) of Rule 7 of Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that amendment(s) to the Indian Standard(s) given in the schedule hereto annexed has/have been issued.

SCHEDULE

Sl. No. and year of the Indian Standard amended (1)	No. and date of the amendment (2)	Date from which the amendment shall have effect (4)
1. IS : 869—1976	No. 1, Feb 1989	28 Feb 1989
2. IS : 910—1980	No. 1, Feb 1989	-do-
3. IS : 1280—1975	No. 1, Feb 1989	-do-
4. IS : 1715—1986	No. 1, Feb 1989	-do-
5. IS : 2557—1963	No. 1, Feb 1989	-do-
6. IS 9 3347(Pt. 3/Sec 2)—1982	No. 1, Feb 1989	-do-
7. IS : 3347(Pt. 5/Sec 1)—1979	No. 1, Feb 1989	-do-
8. IS : 3361—1979	No. 2 Feb 1989	-do-
9. IS : 3417—1979	No. 2, Feb 1989	-do-
10. IS : 4332 (Pt. 6)—1972	No. 1, Feb 1989	-do-
11. IS : 3518—1966	No. 1, Feb 1989	-do-
12. IS : 4467 (Pt. 1)—1980	No. 1, Feb 1989	-do-
13. IS : 4571—1977	No. 5, Feb 1989	-do-
14. IS : 5447—1978	No. 1, Feb 1989	-do-
15. IS : 6172—1979	No. 2, Feb 1989	-do-
16. IS : 6487—1983	No. 1, Feb 1989	-do-
17. IS : 8050—1976	No. 1, Feb 1989	-do-

(1)	(2)	(3)	(4)
18. IS : 8058--1976	No. 1, Feb 1989	28 Feb. 1989	
19. IS : 8258—1976	No. 2, Feb 1989	-do-	
20. IS : 8702—1978	No. 2, Feb 1989	-do-	
21. IS : 9390—1980	No. 1, Feb 1989	-do-	
22. IS : 11685—1986	No. 1, Feb 1989	-do-	
23. IS : 12036—1987	No. 1, Feb 1989	-do-	
24. IS : 12057—1987	No. 1, Feb. 1989	-do-	

Copies of these Amendments are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : Bombay, Calcutta, Chandigarh and Madras and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Guwahati, Hyderabad, Jaipur, Kanpur, Patna and Trivandrum.

[No. CMD/13 : 5]

का. या 2778—शास्त्रीय मानक अप्रूव नियम, 1987 के नियम 7 के उपनियम (1) के बड़ “द” के प्रत्ययण में सार्वजन मानक अप्रूव प्रत्ययण अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक(को) में संशोधन किया गया है/किए गए है।

अधिसूची

क. भ. संशोधित शास्त्रीय मानक की संख्या और धर्म संशोधन की मंजुला व्यापक लिख संशोधन लागू होने की सारीष

(1)	(2)	(3)	(4)
1. IS : 365—1983	सं. 2 प्रकटवर 1988	31 प्रकटवर 1988	
2. IS : 774—1984	सं. 1 प्रकटवर 1988	--वही--	
3. IS : 2707—1982	सं. 1 प्रकटवर 1984	30 प्रकटवर 1984	
4. IS : 2860—1984	सं. 1 प्रकटवर 1988	31 प्रकटवर 1988	
5. IS : 2865—1978	सं. 4 सितम्बर 1988	30 सितम्बर 1988	
6. IS : 3383—1982	सं. 1 प्रकटवर 1988	31 प्रकटवर 1988	
7. IS : 3749—1978	सं. 2 मार्च 1986	31 मार्च 1986	
8. IS : 3903—1984	सं. 1 जूलाई 1988	31 जूलाई 1988	
9. IS : 4151—1982	सं. 3 प्रकटवर 1987	31 प्रकटवर 1987	
10. IS : 4989 (भाग 1)—1985	सं. 1 जून 1987	30 जून 1987	
11. IS : 5593—1980	सं. 3 प्रकटवर 1988	31 प्रकटवर 1988	
12. IS : 6449—1985	सं. 1 प्रकटवर 1988	--वही--	
13. IS : 6911—1972	सं. 4 मई 1986	31 मई 1986	
14. IS : 8144—1976	सं. 5 प्रकटवर 1988	31 प्रकटवर 1988	

(1)	(2)	(3)	(4)
15. IS : 8187--1977		सं. ३ अक्टूबर 1988	31 अक्टूबर 1990
16. IS : 9758--1981		सं. १ अक्टूबर 1988	--वहाँ--
17. IS : 10622--1983		सं. २ सितम्बर 1987	30 सितम्बर 1987

इन संशोधनों की प्रतियोगी भारतीय मानक अनुरूप, मानक भवन, ९ अष्टावरुणाहृ अफर मार्ग, मई विल्सन-११०००२ और खेतीय कार्यालयों अम्बर्हाट, कलकत्ता, चण्डीगढ़ और भद्राम तथा यात्रा कार्यालयों अहमदाबाद, वंगलीर, श्रीपाल, शुभनेश्वर, गुवाहाटी, हैवरामाबाद, जयपुर, कानपुर, पटना आदि विवेदम् में विकी देते उपलब्ध हैं।

[सं. केप्रति/13:5]

S.O. 2778.—In pursuance of clause (b) of Sub Rule (1) of Rule 7 of Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that amendment(s) to the Indian Standard(s) given in the schedule hereto annexed has/have been issued.

SCHEDULE

Sl. No. and year of the Indian Standard amended	No. and date of the amendment	Date from the amendment shall have effect	
(1)	(2)	(3)	(4)
1. IS : 365—1983	No. 2 Oct 1988	31 Oct 1988	
2. IS : 774—1984	No. 1 Oct 1988	-do-	
3. IS : 2707—1982	No. 1 No. 1984	30 Nov 1984	
4. IS : 2862—1984	No. 1 Oct 1988	31 Oct 1988	
5. IS : 2865—1978	No. 4 Sep 1988	30 Sep 1988	
6. IS : 3383—1982	No. 1, Oct 1988	31 Oct 1988	
7. IS : 3749—1978	No. 2 March 1986	31 Mar 1986	
8. IS : 3903—1984	No. 1 July 1988	31 July 1988	
9. IS : 4151—1982	No. 3 Oct 1987	31 Oct 1987	
10. IS : 4989 (Pt. 1)—1985	No. 1 June 1987	30 June 1987	
11. IS : 5593—1980	No. 3 Oct 1988	31 Oct 1988	
12. IS : 6649—1985	No. 1 Oct 1988	-do-	

(1)	(2)	(3)	(4)
13. IS : 6911—1972	No. 4 May 1986		31 May 1986
14. IS : 8144—1976	No. 5 Oct 1988		31 Oct 1988
15. IS : 8487—1977	No. 2 Oct 1988		-do-
16. IS : 9758—1981	No. 1 Oct 1988		-do-
17. IS : 10622—1983	No. 2 Sep 1987		30 Sep 1987

Copies of these Amendments are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: Bombay, Calcutta, Chandigarh and Madras and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Guwahati, Hyderabad, Jaipur, Kanpur, Patna and Trivandrum.

[No. CMD/13:5]

नो. ग्रा. 2779.—भारतीय मानक द्वारा लियम, 1987 के नियम 7 के अनुच्छेद (1) के अड "ब" के अनुसूचि में भारतीय मानक अनुरोध एवं दृष्टिकोण संशोधन करता है यि नीचे लिए गए मानक (कों) में संशोधन किया गया है/ किए गए हैं।

प्रधिसूची

क्र.सं.	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या वर्ष एवं तिथि	संशोधन लागू होने की सारित्थि
(1)	(2)	(3)	(4)
1. IS : 405—1978	संशोधन सं. 2 दिसम्बर 1988		31 दिसम्बर 1988
2. IS : 543—1968	संशोधन सं. 4 नवम्बर 1988		30 नवम्बर 1988
3. IS : 704—1979	संशोधन सं. 2 दिसम्बर 1988		31 दिसम्बर 1988
4. IS : 765—1979	संशोधन सं. 3 दिसम्बर 1988		31 दिसम्बर 1988
5. IS : 799—1985	संशोधन सं. 1 नवम्बर 1988		10 नवम्बर 1988
6. IS : 1863 (भाग-3) —1984	संशोधन सं. 2 दिसम्बर 1988		31 दिसम्बर 1988
7. IS : 1593—1982	संशोधन सं. 1 दिसम्बर 1988		31 दिसम्बर 1988
8. IS : 1807—1961	संशोधन सं. 1 दिसम्बर 1988		31 दिसम्बर 1988
9. IS : 1854—1978	संशोधन सं. 4 नवम्बर 1988		30 नवम्बर 1988
10. IS : 2334—1975	संशोधन सं. 1 नवम्बर 1988		30 नवम्बर 1988
11. IS : 2629—1985	संशोधन सं. 1 प्रबृद्धवर 1988		11 प्रबृद्धवर 1988
12. IS : 2879—1975	संशोधन सं. 4 प्रबृद्धवर 1988		11 प्रबृद्धवर 1988
13. IS : 3490—1985	संशोधन सं. 2 नवम्बर 1988		30 नवम्बर 1988

(1)	(2)	(3)	(4)
14. IS : 4635 (भंग-2)---1968	संशोधन सं. 1 विसम्बर 1988	31 दिसम्बर 1988	
15. IS : 5312 (भंग-1)---1964	संशोधन सं. 1 नवम्बर 1988	30 नवम्बर 1988	
16. IS : 6776---1980	संशोधन सं. 1 विसम्बर 1988	31 दिसम्बर 1988	
17. IS : 7231---1984	संशोधन सं. 2 अक्टूबर 1988	31 दिसम्बर 1988	
18. IS : 7809 (भंग-1)---1975	संशोधन सं. 1 नवम्बर 1988	30 नवम्बर 1988	
19. IS : 7935---1979	संशोधन सं. 3 नवम्बर 1988	30 नवम्बर 1988	
20. IS : 8476---1977	संशोधन सं. 1 विसम्बर 1988	31 दिसम्बर 1988	
21. IS : 8490---1977	संशोधन सं. 4 विसम्बर 1988	31 दिसम्बर 1988	
22. IS : 8931---1978	संशोधन सं. 3 विसम्बर 1988	31 दिसम्बर 1988	
23. IS : 9458---1980	संशोधन संख्या 1 विसम्बर 1988	30 नवम्बर 1988	
24. IS : 10270---1982	संशोधन सं. 2 विसम्बर 1988	31 दिसम्बर 1988	
25. IS : 10460---1983	संशोधन सं. 1 नवम्बर 1988	30 नवम्बर 1988	
26. IS : 11926---1987	संशोधन सं. 1 नवम्बर 1988	30 नवम्बर 1988	

इन संशोधनों की प्रतिक्रिया भारतीय मात्रक अधीन, मानव उद्यग, 9 अहोद्युर्धाह जफर मार्ग, नई विल्हेम्स-110002 आर एक्स्प्रेस कार्यालयों कम्बर्ट, श्लकोरा, चण्डीगढ़ अपां ग्राम अंतर्गत अहमदाबाद, बंगलौर, ओताग, बृद्धेष्ठर, गुद्धाहाटा, इंद्राबाद, जरागुर, कालार, पट्टा और लिङ्गेश्वर में विकी ऐसु उपलब्ध है।

[मे क्रमांक/1.3.5]

S.O 2779.—In pursuance of clause (b) of Sub Rule (1) of Rule 7 of Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that amendment(s) to the Indian Standard(s) given in the schedule hereto annexed has/have been issued.

SCHEDULE

Sl. No. and year of the Indian No. Standard amended	No. and date of the amendment	Date from which the amendment shall have effect	
(1)	(2)	(3)	(4)
1. IS : 205—1979	Amendment No. 2 Dec 1988	31 Dec 1988	
2. IS : 543---1968	Amendment No. 4 Nov 1988	30 Nov 1988	
4. IS : 765—1979	Amendment No. 2 Dec 1988	31 Dec 1988	
5. IS : 799---1985	Amendment No. 1 Nov 1988	30 Nov 1988	

(1)	(2)	(3)	(4)
6.	IS : 1063 (Pt. 3)—1984	Amendment No. 2 Dec 1988	31 Dec 1988
7.	IS : 1593—1982	Amendment No. 1 Dec 1988	31 Dec 1988
8.	IS : 1887—1961	Amendment No. 1 Dec 1988	-do-
9.	IS : 1824—1979	Amendment No. 4 Nov 1988	30 Nov 1988
10.	IS : 2334—1975	Amendment No. 4 Nov 1988	-do-
11.	IS : 2629—1985	Amendment No. 1 Oct 1988	31 Oct 1988
12.	IS : 2879—1975	Amendment No. 4 Oct 1988	-do-
13.	IS : 3490—1965	Amendment No. 2 Nov 1988	30 Nov 1988
14.	IS : 4535 (Pt. 2)—1968	Amendment No. 1 Dec 1988	31 Dec 1988
15.	IS : 5312 (Pt. 1)—1984	Amendment No. 1 Nov 1988	30 Nov 1988
16.	IS : 6776—1980	Amendment No. 1 Dec 1988	31 Dec 1988
17.	IS : 7231—1984	Amendment No. 2 Oct 1988	-do-
18.	IS : 7807 (Pt. 1)—1975	Amendment No. 1 Nov 1988	30 Nov 1988 -do-
19.	IS : 7935—1975	Amendment No. 3 Nov 1988	
20.	IS : 8476—1977	Amendment No. 1 Dec 1988	31 Dec 1988
21.	IS : 8496—1977	Amendment No. 4 Dec 1988	-do-
22.	IS : 8931—1978	Amendment No. 2 Dec 1988	-do-
23.	IS : 9458—1980	Amendment No. 1 Dec 1988	-do-
24.	IS : 10270—1982	Amendment No. 2 Dec 1988	-do-
25.	IS : 10460—1983	Amendment No. 1 Nov 1988	30 Nov 1988
26.	IS : 11926—1987	Amendment No. 1 Nov 1988	-do-

Copies of these Amendments are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-11000 and Regional Offices: Bombay, Calcutta, Chandigarh and Madras and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Guwahati, Hyderabad, Jaipur, Kanpur, Patna and Trivandrum.

का.पा. 2780—भारतीय मानक अनुरोध सिपम् 1987 के विषय 7 के उपलिख्य (1) के बाबत “ब” के अनुसरण में भारतीय मानक अनुरोध प्रशिक्षण करना है कि तीव्र अनुसृष्टि में दिए एवं लागू (जै) में शालेभवन किए गया है/किए गए हैं।

अधिकृत

क मं. संशोधन भारतीय मानक की संख्या और तिथि

संशोधन वाँ संख्या और तिथि

संशोधन लागू होने की तारीख

(1)	(2)	(3)	(4)
1. IS : 162-1950	भंशोधन सं. 3 जन., 1989	31 जन. 1989	
2. IS : 712-1984	भंशोधन सं. 1 जन., 1989	--वही--	
3. IS : 783-1985	भंशोधन सं. 1 जन., 1989	--वही--	
4. IS : 980-1980	भंशोधन सं. 1 जन., 1989	--वही--	
5. IS : 1223-1982	भंशोधन सं. 3 जन., 1989	--वही--	
6. IS : 1729-1974	भंशोधन सं. 2 जन., 1989	--वही--	
7. IS : 2099-1986	भंशोधन सं. 1 जन., 1989	--वही--	
8. IS : 4635 (भाग-3)-1968	भंशोधन सं. 1 जन., 1989	--वही--	
9. IS : 6762-1986	भंशोधन सं. 1 जन., 1989	--वही--	
10. IS : 6918-1972	भंशोधन सं. 1 जन., 1989	--वही--	
11. IS : 7231-1984	भंशोधन सं. 3 जन., 1989	--वही--	
12. IS : 9370-1980	भंशोधन सं. 2 जन., 1989	--वही--	
13. IS : 9562--1980	भंशोधन, 4 जन., 1989	--वही--	
14. IS : 9995-1981	भंशोधन सं. 1 जन., 1989	--वही--	
15. IS : 10662-1983	भंशोधन सं. 3 जन., 1989	--वही--	
16. IS : 10993--1984	भंशोधन सं. 1 जन., 1989	--वही--	
17. IS : 11009-1984	भंशोधन सं. 1 जन., 1989	--वही--	
18. IS : 11185--1984	भंशोधन सं. 1 जन., 1989	--वही--	
19. IS : 12003-1987	भंशोधन सं. 1 जन., 1989	--वही--	
20. IS : 12015-1987	भंशोधन सं. 1 जन., 1989	--वही--	
21. IS : 12076-1986	भंशोधन सं. 1 जन., 1989	--वही--	

इन संशोधनों की प्रतियोगी भारतीय मानक अनुरोध, मानक अवन, ५ बहादुरगांव अफल मर्म, नई शिल्पी-110002 धी क्रोत्रीय क.मर्तियों यम्बर्ह, कलकत्ता, चम्पागढ़ तथा मद्रास तथा शास्त्र कार्यालयों अहमदाबाद, बंगलौर, भोपाल, मुम्बेश्वर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना आदि क्रियेन्स, में विकी हुए उपलब्ध हैं।

S O 2780.—In pursuance of clause (b) Sub Rule (1) of Rule 7 of Bureau of Indian Standards Rules, 1987 the Bureau of Indian Standards hereby notifies that amendment(s) to the Indian Standard(s) given in the schedule hereto annexed has/have been issued.

SCHEDULE

Sl. No. and year of the Indian Standard amended	No. and date of the amendment	Date from which the amendment shall have effect	
(1)	(2)	(3)	(4)
1. IS : 162—1950	Amendment No. 3 Jan 1989	31 Jan 1989	
2. IS : 712—1984	Amendment No. 1 Jan 1989	-do-	
3. IS : 783—1985	Amendment No. 1 Jan 1989	-do-	
4. IS : 980—1980	Amendment No. 1 Jan 1989	-do-	
5. IS : 1223—1982	Amendment No. 3 Jan 1989	-do-	
6. IS : 1729—1979	Amendment No. 2 Jan 1989	-do-	
7. IS : 2099—1986	Amendment No. 1 Jan 1989	-do-	
8. IS : 4635 (Pt. 3)—1968	Amendment No. 1 Jan 1989	-do-	
9. IS : 6762—1986	Amendment No. 1 Jan 1989	-do-	
10. IS : 6918—1972	Amendment No. 1 Jan 1989	-do-	
11. IS : 7231—1984	Amendment No. 3 Jan 1989	-do-	
12. IS : 9370—1980	Amendment No. 2 Jan 1989	-do-	
13. IS : 9562—1980	Amendment No. 4 Jan 1989	-do-	
14. IS : 9995—1981	Amendment No. 1 Jan 1989	-do-	
15. IS : 10562—1983	Amendment No. 3 Jan 1989	-do-	
16. IS : 10993—1984	Amendment No. 1 Jan 1989	-do-	
17. IS : 11009—1984	Amendment No. 1 Jan 1989	-do-	
18. IS : 11185—1984	Amendment No. 1 Jan 1989	-do-	
19. IS : 12003—1987	Amendment No. 1 Jan 1989	-do-	
20. IS : 12015—1987	Amendment No. 1 Jan 1989	-do-	
21. IS : 12076—1986	Amendment No. 1 Jan 1989	-do-	

Copies of these Amendments are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: Bombay, Calcutta, Chandigarh and Madras and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Guwahati, Hyderabad, Jaipur, Kanpur, Patna and Trivandrum.

[No. CMD/13 : 5]
S. Subrahmanyam, Addl. Director General

नई दिल्ली 5 अक्टूबर, 1990

पर. नं. 2281। भरत के लोकहित में यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में व्यापक रूप से भौटिक (वायरा राजस्वान व हरियाणा राज्य) तक प्रदूषित वायरा के नाशहन के लिए पाइये लक्षान इण्डियन आयोग का प्रारंभिक विस्मिटेन द्वारा विभाई गर्वन बोलिया गया।

और वह प्रतीत होता है कि ऐसी लाइन को बिछाने के प्रयोग जन के लिए प्रान्तिक अन्धसूची में अग्रिम भूमि में उपयोग का अधिकार अधिक बाहर आवश्यक है।

एक दूसरे दिल्लियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अधिकार) अधिकारिय, 1964 (1963 का 50) की घाय 3 की उद्दासा (1) इन प्रदृष्ट प्रक्रियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अंजित करने का अपना आवश्यकतावाला घोषित किया है।

वर्णन कि उस भूमि में हितबद्ध कोई अधिकृत, उस भूमि के नीचे पाईत लाईट बिछाने के लिए आक्षेप गश्म अधिकारी, इण्डियन प्रायाल कार्पोरेशन लिमिटेड पाईप लाईप्स, बगला न. 68, सेक्टर न. 4, गंधी धाम कच्छ-370201 को इस अधिसूचना की तारीख से 21 दिनों के सीतर कर सकेगा।

आरे साक्षेप करने वाला हर व्यक्ति विनिविल्टम् यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई अंजित हो या विभी विधि व्यवस्थायी की सार्फन।

अनुसूची

नालका ग्रामपाल	जिला वसायकाला	राज्य-गुजरात
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संकेतफल

ग्राम का नाम	मनो नंबर	हेल्पर	आरे लक्षायर
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		सोटर	सोटर	ग्रीनाइट
1	2	3	4	5

प्रावधान	103	0	54	94	279	0	38	74
	102	0	16	90	285	0	28	88
	105	0	14	09	288	0	07	40
	106	0	33	10	289	0	01	58
	109	0	31	69	नामांगुण	87	21	75
	110	0	24	65		88	25	38
	111	0	28	17		89	30	45
	113	0	20	43		90	26	83
	114	0	15	50		93	21	75
	115	0	14	09		112	06	16
	116	0	24	65		109	44	95
	117	0	19	64		108	29	73
	118	0	13	38		107	22	48
	119	0	07	04		105	48	58
	260	0	26	06		104/2	13	05
	275	0	33	10		150	16	67
	274	0	06	34		151	09	42
	277	0	00	70		272	38	43
	278	0	15	49		209	13	08
						275	18	12
						276	21	75
						261	36	25
						262	16	68
						263	15	95
						259	26	10
						258	25	38
						254	44	23
						295	54	38
						308	46	40
						309	05	25
						304	06	53
						262	03	41
						273	17	41
						264	05	13
						265	26	95
						272	00	68
						271	01	03
						266	07	85
						270	07	85
						269	36	86
						268	16	38
						246	39	35
						287/	24	57
						288	21	84
						298	25	94
						309	25	26
						310	11	60
						308	11	60
						311	19	79
						297	04	73
						42	22	15
						43	35	48
						44	13	29
						50	00	74

1	2	3	4	5	1	2	3	4	5
मरकारसुग (जारी)	47/1	0	32	48		30	0	30	84
	48	0	32	48	मरकारसुग]	295	0	32	45
	64	0	23	62		303	0	01	38
	76	0	08	86		267	0	48	42
	[72	0	18	46		259	0	02	77
	73	0	18	46		257	0	23	52
	81	0	28	06		251	0	22	14
	82	1	18	12		252	0	09	68
	91	0	32	49		250	0	16	60
नाश्तपुर	408	0	21	10		249	0	30	44
	409	0	03	77		246	0	35	96
	410	0	05	27		244	0	11	07
	400	0	34	66		12	0	27	67
	399	0	28	63		13	0	17	99
	329/10/3	0	01	51		16	0	24	90
	331	0	26	17		19	0	30	43
	314/7	0	25	62		20	0	08	30
	314/5	0	16	58		18	0	01	39
	314/2	0	03	77		21	0	12	45
	312	0	32	40		22	0	09	69
	313/2	0	15	07		23	0	08	30
	313/1	0	22	60		24	0	08	30
	301/10	0	07	53		27	0	08	30
	301/8	0	19	59		29	0	11	07
	301/7	0	21	10		30	0	11	07
	301/6	0	28	63		31	0	16	60
	301/2	0	18	08		33	0	13	84
	301/3	0	19	59	नाटीयपली	21	0	22	80
	274	0	21	10		22	0	22	80
	272	0	75	35		31	0	27	36
सामुद्र	241/14	0	28	64		29	0	36	47
	226	0	41	12		60	0	44	07
	222/4	0	10	28		4	0	01	52
	222/2	0	27	90		61	0	10	64
	230	0	06	61		117	0	10	64
	231	0	02	94		123/3	0	36	47
	222/1	0	16	89		123/2	0	22	80
	233	0	19	09		123/1	0	33	44
	235	0	32	31		126	0	51	67
	181	0	26	44		134/1	0	01	52
	180	0	27	90		130	0	39	51
	173	0	47	00		149/2	0	36	47
	172	0	29	37		151	0	34	95
	170	0	25	70					
	169/1	0	16	16					
	53	0	27	90					
	56	0	18	35	सोटीयपली]	10	0	21	43
	57	0	00	73					
	55	0	17	62					
	42	0	15	42					
	58	0	15	42					
	38	0	44	07					
	37	0	07	34					
	36	0	05	88					

[प. ओ-31015/11/89-ओ प्रा.—I]

New Delhi, the 5th October, 1990

S.O. 2781.—Whereas it appears to the Central Government that it is necessary in the public interest

that for the transport of Petroleum from Kandla in the State or Gujarat to Bhatinda in the State of Punjab (Via Rajasthan & Haryana States), a pipeline should be laid by Indian Oil Corporation Limited.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (i) of Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Indian Oil Corporation Limited, Bungalow No. 66, Sector No. 4, Gandhidham, Kachchh-370201.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by Legal Practitioner.

SCHEDULE

Taluka : Radhanpur District : Banaskantha State : Gujarat

Name of Village	Survey No.	Area		
		H.	A.	Sq. Mtrs
1.	2.	3.	4.	5.
Dharavadi	103	0	54	74
	102	0	16	90
	105	0	14	09
	106	0	33	90
	109	0	31	69
	110	0	24	65
	111	0	28	17
	113	0	20	43
	114	0	15	50
	115	0	14	09
	116	0	24	65
	117	0	12	68
	118	0	13	38
	119	0	07	04
	260	0	26	06
	273	0	33	10
	274	0	06	34
	277	0	00	70
	278	0	15	49
Nanapura	279	0	38	74
	285	0	28	88
	288	0	07	40
	289	0	04	58
	87	0	21	75
	88	0	25	38
	89	0	30	45
	90	0	26	83
	93	0	21	75

	1.	2.	3.
Nanapura (Contd.)			
	112	0	06 16
	109	0	44 95
	108	0	99 73
	107	0	22 48
	105	0	48 58
	104/2	0	13 05
	150	0	16 67
	151	0	09 42
	272	0	38 43
	269	0	13 05
	275	0	18 12
	276	0	21 75
	261	0	36 25
	262	0	16 68
	263	0	15 95
	259	0	26 10
	258	0	25 38
	254	0	44 23
	295	0	54 38
	308	0	46 40
	309	0	65 25
	304	0	06 53
Shinad			
	262	0	03 41
	273	0	17 41
	264	0	05 12
	265	0	26 95
	272	0	00 68
	271	0	01 03
	266	0	07 85
	270	0	07 85
	269	0	36 86
	268	0	16 38
	286	0	29 35
	287/2	0	24 57
	208	0	21 84
	298	0	25 94
	309	0	25 26
	310	0	11 60
	308	0	11 60
	311	0	19 79
	297	0	04 78
Sardarpura			
	42	0	22 15
	43	0	32 48
	44	0	13 29
	50	0	00 74
	47/1	0	32 48
	48	0	32 48
	64	0	23 62
	76	0	08 86
	72	0	18 46
	73	0	18 46
	81	0	28 06
	82	1	18 12
	91	0	32 49
Radhanpur			
	408	0	21 10
	409	0	03 77
	410	0	05 27
	400	0	34 66
	399	0	28 63
	329/10/3	0	01 51
	331	0	36 17
	314/7	0	25 62
	314/5	0	16 58
	314/2	0	03 77
	312	0	32 40

1.	2.	3.	4.	5.	1.	2.	3.	4.	5.
Radhanpur—(Contd.)	313/2	0	15	07		31	0	27	36
	313/1	0	22	60		39	0	36	47
	301/10	0	07	53		60	0	44	07
	301/8	0	19	59		4	0	01	52
	301/7	0	21	10		61	0	10	64
	301/6	0	28	63		117	0	10	64
	301/2	0	18	08		123/3	0	36	47
	301/3	0	19	59		123/2	0	22	80
	274	0	21	10		123/1	0	33	44
	272	0	75	35		126	0	51	67
Satun	241/14	0	28	64		134	0	01	52
	226	0	41	12		130	0	39	51
	222/4	0	10	28		149/2	0	36	47
	222/2	0	27	90		151	0	34	95
	230	0	06	61	Motipipalli	10	0	21	43
	231	0	02	94					
	222/1	0	16	89					
	233	0	19	09					
	235	0	32	31					
	181	0	26	44					
	180	0	27	90					
	173	0	47	00					
	172	0	29	37					
	170	0	25	70					
	169/3	0	16	16					
	53	0	27	90					
	56	0	18	35					
	57	0	00	73					
	55	0	17	62					
	42	0	15	42					
	58	0	15	42					
	38	0	44	07					
	37	0	07	34					
	36	0	05	88					
	30	0	30	84					
Sarkarpura	295	0	12	45					
	303	0	01	38					
	267	0	48	42					
	259	0	02	77					
	257	0	23	52					
	251	0	22	14					
	252	0	09	68					
	250	0	16	60					
	249	0	30	44					
	246	0	35	96					
	244	0	11	07					
	12	0	27	67					
	13	0	17	99					
	16	0	24	90					
	19	0	30	43					
	20	0	08	30					
	18	0	01	39					
	21	0	12	45					
	22	0	09	69					
	23	0	08	30					
	24	0	08	30					
	27	0	08	30					
	29	0	11	07					
	30	0	11	07					
	31	0	16	60					
	33	0	13	84					
Manipipalli	21	0	22	80					
	22	0	22	80					

[No. O-31015/11/89-OR-I]

K.C. KATOCH, Under Secy.

का आ।—2782 यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोक-हित में यह आवश्यक है कि गुजरात राज्य में कोडला से पंजाब राज्य में भटीजा तक पैदेलियम के परिवहन के लिए पाइप लाइन (पै) इंडियन अैंप्स चॉर्पोरेशन लिमिटेड द्वारा विलाई जानी चाहिए।

श्रीर यतः यह प्रतीत होता है कि ऐसी लाइनों और विलाई के प्रयोजन के लिए एतवधार्द अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करता आवश्यक है।

प्रतः प्रब ऐंप्लियम और अनिज पाइप लाइन (भूमि में उपयोग के अधिकार का प्रार्जन) अधिनियम, 1962 (1962 का 50) को धारा 3 की उपधारा (1) द्वारा प्रदत्त अविष्यों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का प्रपत्ता आश्रित उत्तरार्थ घोषित किया है।

बताते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीने पाइप लाइन विधान के लिए आवश्यक सामग्री अधिकारी, इंडियन अैंप्स चॉर्पोरेशन लिमिटेड, 270 सुभाप नगर, रोहतक, हरियाणा को इस अधिसूचना को हारीख से 21 दिनों के भीतर कर सकता।

श्री ऐसा आवेदन करने वाला हर व्यक्ति विनिविल्टतः यह भी कथन करेगा कि वह जाहूता है कि उसकी सुनवाई अविकलः हो या किसी विक्षि व्यवसायी की मार्फत।

अनुसूची

तहसील: पानीपत जिला: करमाल राज्य: हरियाणा

नाम गांव हृदयस्त न.	मुस्तील न.	झेवफल			
किला न.		हैंटर आर वर्ग मोटर			
1	2	3	4	5	6
बोहानी	12	5	1		
		21		3	3
		6			
30	0	11	07	1	
31	0	16	60		11
33	0	13	84	8	13
21	0	22	80		
22	0	22	80		

1	2	3	4	5	6	1	2	3	4	5	6
ओहर्स	12	9	-	16	69	वोहर्स	12	47	-	-	51
		10	-	-	76			3	-	-	51
		12	-	-	76			7	-	6	7
		13/1	-	12	65			8	-	4	55
		13/2	-	-	25			9	-	11	13
		13/3	-	2	78			10	-	8	60
		14	-	-	25			11	-	4	5
		16/1	-	1	1			12	-	1	52
		16/2	-	2	28			48			
		17	-	12	90			6	-	11	89
		18/1	-	-	-			7	-	12	39
		24/1	-	-	25			8	-	12	39
		25/1	-	4	81			9	-	12	38
		25/2	-	9	11			10	-	12	39
		17						13	-	-	51
		1	-	12	39			49			
		2	-	4	5			1	-	5	6
		8	-	4	5			2	-	14	42
		9	-	12	90			3	-	9	11
		10/1	-	-	-			4	-	4	5
		17						5	-	-	25
		13	-	12	65			6	-	12	14
		14	-	2	2			7	-	8	60
		16	-	2	53			8	-	3	54
		17	-	12	39			9	-	-	25
		25	-	11	63			197	-	8	60
		18						206	-	2	53
		21	-	3	54			207	-	1	77
		23						245	-	2	28
		21	-	6	83			246	-	1	1
		24						446			
		1	-	11	38			1	-	1	77
		2	-	5	82	रजापुर	13	4			
		8	-	5	83			21	-	4	55
		9	-	10	87			22	-	2	2
		13	-	8	85			23	-	-	25
		14	-	6	32			5			
		16	-	6	83			21	-	12	39
		17	-	10	12			22/2	-	9	62
		25	-	8	85			23/1	-	2	53
		42						23/2	-	1	1
		1	-	8	85			23/3	-	3	4
		2	-	8	9			24	-	10	12
		8	-	8	85			25	-	7	59
		9	-	8	10			6			
		13	-	7	8			21	-	12	39
		14	-	6	83			22	-	12	39
		15	-	1	52			23	-	11	38
		16	-	10	62			24	-	12	39
		17	-	5	82			25	-	12	39
		25	-	5	82			7			
		43						18	-	1	1
		24	-	11	38			19	-	3	54
								20	-	5	82

1	2	3	4	5	6
रुजापुर	१३	२१/२	—	६	८३
		२२	—	९	११
		२३	—	१०	८९
		२४	—	१२	३९
		२५/१	—	१	७७
		२५/२	—	८	९
		८			
		१६/२	—	१	१
		१६/३	—	१	५२
		२५	—	२	५३
		१२			
		४/२	—	१	२६
		५/१	—	४	५५
		१३			
		१/१	—	१	२६
		१/२	—	२	७८
		१/३	—	४	३०
		२	—	९	६१
		३	—	१२	४०
		४	—	१२	४०
		५	—	१२	३९
		१४			
		१	—	१२	३९
		२	—	१२	३९
		३	—	७	५९
		८३	—	२	६३
		९१	—	२	२
		९५	—	११	६४
		७९९	—	१	१
		८५६	—	१	१

[स. अं - ३१०१३/६/८० - श्री पार-१]
क. सी. कटोय, मवर राज्य

S.O. 2782.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from Kandla in the State of Gujarat to Bhatinda in the State of Punjab Pipeline should be laid by Indian Oil Corporation Limited.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (i) of Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Indian Oil Corporation Limited, Pipelines, 270, Subhash Nagar, Rohtak (Haryana).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by Legal Practitioner.

SCHEDULE

Tehsil : Panipat Distt : Karnal State : Haryana

S. No.	Name of village	No. Hadbast	(Mus-tateel- No.)	Area		
				Hectare Killa No.	Arc	Centi- are
1	2	3	4	5	6	
१. Bohli	१२	५/२१	—	३	३	
		६/१	—	११	१३	
		८	—	१	२६	
		९	—	१६	६९	
		१०	—	—	७६	
		१२	—	—	७६	
		१३/१	—	१२	६५	
		१३/२	—	—	२५	
		१३/३	—	२	७८	
		१४	—	—	२५	
		१६/१	—	१	१	
		१६/२	—	२	२८	
		१७	—	१२	९०	
		१८/१	—	—	—	
		२४/१	—	—	२५	
		२५/१	—	४	८१	
		२५/२	—	९	११	
		१७/१	—	१२	३९	
		२	—	४	५	
		८	—	४	५	
		९	—	१२	९०	
		१०/१	—	—	—	
		१७/३	—	१२	६५	
		१४	—	२	२	
		१५	—	२	५३	
		१७	—	१२	३९	
		१८/२१	—	३	५४	
		२३/२१	—	६	८३	
		२४/१	—	११	३८	
		२	—	५	८२	
		८	—	५	८३	
		९	—	१०	८७	
		१३	—	८	८५	
		१४	—	६	३२	
		१६	—	६	८३	
		१७	—	१०	१२	
		२५	—	८	८५	
		४२/१	—	८	८५	
		२	—	८	९	
		८	—	८	८५	
		९	—	८	१०	
		१३	—	७	८	
		१४	—	६	८३	
		१५	—	१	५२	
		१६	—	१०	६२	
		१७	—	५	८२	
		२५	—	३	८२	
		४३/२१	—	११	३८	
		४७/३	—	—	५१	
		७	—	६	७	

1	2	3	4	5	6	1	2	3	4	5	6
Bolji	19	8	—	4	35	Rajapur	13	25	—	7	59
		9	—	11	13		6/21	—	12	39	
		10	—	8	60		22	—	12	39	
		11	—	4	5		23	—	11	38	
		12	—	1	52		24	—	12	39	
	48/6	—	11	89			25	—	12	39	
	7	—	12	39			7/18	—	1	1	
	8	—	12	39			19	—	3	54	
	9	—	12	39			20	—	5	82	
	10	—	12	39			21/2	—	6	83	
	15	—	—	51			22	—	9	11	
	49/1	—	5	6			7/23	—	10	89	
	2	—	14	42			24	—	12	39	
	3	—	9	11			25/1	—	1	77	
	4	—	4	5			25/2	—	8	9	
	5	—	—	25			8/16/2	—	1	1	
	6	—	12	14			16/3	—	1	52	
	7	—	8	60			25	—	2	53	
	8	—	3	34			12/4/2	—	1	26	
	9	—	—	25			5/1	—	4	55	
	197	—	8	60			13/1/1	—	1	26	
	206	—	2	53			1/2	—	2	78	
	207	—	1	77			1/3	—	4	30	
	245	—	2	28			2	—	9	61	
	246	—	1	1			3	—	12	40	
	446/1	—	1	77			4	—	12	40	
							5	—	12	39	
Total Area		77	4	96	49		14/1	—	12	39	
							2	—	12	39	
Rajapur	13	4/21	—	4	55		3	—	7	59	
		22	—	2	2		83	—	2	53	
		23	—	—	25		91	—	2	2	
		5/21	—	12	29		95	—	11	64	
		22/2	—	9	62		799	—	1	1	
		23/1	—	2	53		856	—	1	1	
		23/2	—	1	1						
		23/3	—	3	4						
		24	—	10	12						
						Total area	44	2	90	10	

[No. O-31015/6/89-OR-I]

K.C. KATOCH, under Secy.

परमाणु ऊर्जा विभाग

प्रादेश

बम्बई, 11, अक्टूबर 1990

का.आ. 2783 — राष्ट्रपति, केन्द्रीय सिविल सेवा (व्यावसायिक सेवा) नियमावली 1965 के नियम 9 के उपनियम (2), नियम 12 के उपनियम (2) के अण्ड (अ) तथा नियम 24 के उपनियम (1) के द्वारा प्रश्नत शक्तियों का प्रयोग करते हुए एकदमाया नियंत्रण देते हैं कि परमाणु ऊर्जा विभाग के द्वि. 7 जुलाई, 1979 के एस.ओ.सं. 2537 के भारत सरकार के आदेश में आगे निम्न लिखित संशोधन किए जायेंगे। अवाहनः—

उक्त आदेश की अनुसूची में,

(1) क्रम सं. 14 के “भाग I—मामान्य केन्द्रीय सेवा वर्ग —ब” शीर्ष के अन्तर्गत तथा उग्रे गश्त प्रविधियों के स्थान पर, निम्नलिखित कार्य में तथा प्राविधिकारी की जागीरी: अवधारितः—

क्रम सं.	पद का विवरण	नियुक्ति—प्राधिकारी	दण्ड के लिए मध्यम प्राधिकारी	प्राप्तीलीय प्राधिकारी
			दण्ड के लिए मध्यम प्राधिकारी	प्राप्तीलीय प्राधिकारी

प्राधिकारी	दण्ड
मुख्य कार्यकारी उपमुख्य	मुख्य कार्यकारी/उपमुख्य
कार्यकारी (प्रशासन), नामिकीय कार्यकारी (प्रशासन), इंश्वन संभिश्र	नामिकीयहृष्ट न मन्मिश्र

(2) "भाग II—मामाय केन्द्रीय सेवा—वर्ग—घ" शीर्षक के प्रस्तर्पत, क्रम सं. (xiv) के लिए तथा उससे संबंधित प्रविष्टियों के लिए, निम्नलिखित क्रम में, एवं प्रविष्टियां प्रतिस्थापित की जाएँगी—

1	2	3	4	5	6
"(xiv) नाभिकीय ईंधन सम्मिश्र में पद	उपमुख्य कार्यकारी (प्रशासन), नाभिकीय ईंधन सम्मिश्र	उपमुख्य कार्यकारी (प्रशासन), नाभिकीय ईंधन सम्मिश्र	मर्ही	मूर्ख कार्यकारी नाभिकीय ईंधन सम्मिश्र	

(3) "भाग III—मामाय केन्द्रीय सेवा वर्ग घ" शीर्षक के अधीन—

(क) क्रम सं. (ii) के लिए तथा उससे संबंधित प्रविष्टियों के लिए, निम्नलिखित क्रम में, तथा प्रविष्टियां प्रतिस्थापित की जाएँगी, अर्थात्—

क्रम सं.	पद का विवरण	नियंत्रित प्राधिकारी	दण्ड केन्द्रे के लिए सदाम प्राधिकारी और ऐसे वर्ण जो वह प्रधिरोपित कर सकता है (नियम 11 में सद में के अनुच्छेद में)	प्राधिकारी	दण्ड
1	2	3	4	5	6
(ii) (क) भाभा परमाणु प्रनुसंधान केन्द्र में अर्तमान कर्मचारियों (वर्ग घ) में संबंधित पद	प्रधान कार्मिक प्रभाग, भाभा परमाणु प्रनुसंधान केन्द्र	प्रधान, कार्मिक प्रभाग, भाभा परमाणु प्रनुसंधान केन्द्र	मर्ही	नियंत्रक, भाभा परमाणु प्रनुसंधान केन्द्र	
(ii) (घ) वर्ग "घ" कर्मचारियों से स्वाधिन पद, जिन्हे यह प्रादेश जारी होने की तारीख के बाद, भाभा परमाणु प्रनुसंधान केन्द्र में नियंत्रित किया जाना है।	उपस्थापना प्रधिकारी, भाभा परमाणु प्रनुसंधान केन्द्र	उपस्थापना प्रधिकारी, भाभा परमाणु प्रनुसंधान केन्द्र	मर्ही	प्रधान, कार्मिक प्रभाग, भाभा परमाणु प्रनुसंधान केन्द्र	

(घ) क्रम सं. (xiu) तथा उससे संबंधित प्रविष्टियों के लिए, निम्नलिखित क्रम में, तथा प्रविष्टियां प्रतिस्थापित की जाएँगी, अर्थात्—

"(xiv) नाभिकीय ईंधन सम्मिश्र के पद	प्रशासनिक प्रधिकारी III, नाभिकीय ईंधन सम्मिश्र	प्रशासनिक प्रधिकारी III, नाभिकीय ईंधन सम्मिश्र	मर्ही	उपमुख्य कार्यकारी (प्रशासन) नाभिकीय ईंधन सम्मिश्र
1	2	3	4	5

टिप्पणी: यह आदेश दिनांक 7-7-1979 के एस.ओ.म. 2537 द्वारा प्रकाशित किया गया था तथा वाद में निम्नलिखित आदेशों के द्वारा उसमें संशोधन किया गया—

1. आदेश ग. एम. ओ. 22(1)/68-प्रशा. II दि. 21-11-79
2. आदेश म. एस.ओ. 22(1)/68; प्रशा. II दि. 9-9-80
3. आदेश म. एस.ओ. 22(1)/68-प्रशा. II दि. 2-12-80
4. आदेश म. एस.ओ. 22(1)/68-प्रशा. II दि. 1-1-81
5. आदेश म. एस.ओ. 22(1)/68-प्रशा. II दि. 2-2-81
6. आदेश म. एस.ओ. 22(1)/68-प्रशा. II दि. 27-9-82
7. आदेश म. एस.ओ. 2/2/82-मत. दि. 9-5-83

Department of Atomic Energy

Order

Bombay, the 11th October, 1990

S.O. 2783.—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24, of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby directs that the following further amendments shall be made in the order of the government of India in the Department of Atomic Energy No. S.O. 2537 dated 7th July, 1979, namely :—

In the schedule to the said Order,—

(1) Under the heading “Part I—General Central Service, Group B” for the Serial No. 14 and the entries relating thereto, the following Serial No. and entries shall be substituted, namely :—

Sr. No.	Description of post	Appointing Authority	Authority Competent to impose penalties and penalties which it may impose (with reference to item number in rule 11)		Appellate Authority
			Authority	Penalties	
1	2	3	4	5	6
“14. Posts in the Nuclear Fuel Complex (NFC)	Chief Executive/ Deputy Chief Executive (Administration) Nuclear Fuel Complex	Chief Executive/ Deputy Chief Executive (Administration), Nuclear Fuel Complex	Chief Executive/ Deputy Chief Executive (Administration), Nuclear Fuel Complex	All	Secretary, Department of Atomic Energy”

(2) Under the heading “Part II—General Central Service —Group C” for serial No. (xiv) and the entries relating thereto the following serial No. and entries shall be substituted, namely :—

1	2	3	4	5	6
“(xiv) Posts in the Nuclear Fuel Complex	Deputy Chief Executive (Administration), Nuclear Fuel Complex	Deputy Chief Executive (Administration), Nuclear Fuel Complex	Deputy Chief Executive (Administration), Nuclear Fuel Complex	All	Chief Executive, Nuclear Fuel Complex

(3) Under the heading “Part III—General Central Service Group-D”

(A) For the serial No. (ii) and the entries relating thereto, the following serial No. and entries shall be substituted, namely :—

Sr. No.	Description of posts	Appointing Authority	Authority Competent to impose penalties and penalties which it may impose (with reference to item number in rule 11)		Appellate Authority
			Authority	Penalties	
1	2	3	4	5	6
(ii) (ii) Posts in respect of existing employees (Group ‘D’) in Bhabha Atomic Research Centre	Head Personnel Division, Bhabha Atomic Research Centre	Head Personnel Division, Bhabha Atomic Research Centre	Head Personnel Division, Bhabha Atomic Research Centre	All	Controller, Bhabha Atomic Research Centre

1	2	3	4	5	6
(ii) (b) Posts in respect of Group 'D' employees to be appointed after the date of issue of this Order in Bhabha Atomic Research Centre	Deputy Establishment Officer, Bhabha Atomic Research Centre	Deputy Establishment Officer, Bhabha Atomic Research Centre	All	Head Personnel Division, Bhabha Atomic Research Centre	

(B) For serial No. (xiv) and the entries relating thereto, the following serial No. and entries shall be substituted, namely :—

1	2	3	4	5	6
"(xiv) Posts in the Nuclear Fuel Complex	Administrative Officer III, Nuclear Fuel Complex	Administrative Officer III, Nuclear Fuel Complex	All	Deputy Executive (Administration), Nuclear Fuel Complex	

Note : The Order was published vide S.O. No. 2537 dated 7-7-1979 subsequently amended vide following orders:

1. Order No. S.O. 22(1)/68-Admn. II dt. 21-11-79
2. Order No. S.O. 22(1)/68-Admn. II dt. 9-9-80
3. Order No. S.O. 22(1)/68-Admn. II dt. 2-12-80
4. Order No. S.O. 22(1)/68-Admn. II dt. 1-1-81
5. Order No. S.O. 22(1)/68-Admn. II dt. 2-2-81
6. Order No. S.O. 22(1)/68-Admn. II dt. 27-9-82
7. Order No. S.O. 2/2/82-Vig. dt. 9-5-83

[No. 1/14(1)/88-Vig./370]

Kun. H.B. VIJAYAKAR, Dy. Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 3 सितम्बर, 1990

का०ग्र० २७८।—चलचित्र (प्रमाणन) नियमावली, 1983 के नियम 9 के माध्यम से प्रतिक्रिया अधिनियम, 1952 (1952 का 37) के लाइ 5 के उत्तराधिकार (2) में प्रदत्त शब्दों का प्रयोग करने वाले, केन्द्रीय गवर्नर थोर्ड राधाकृष्णन, आई.ए.ए.ए. (एम.पी. 78) को दिनांक 6 अगस्त, 1990 (पुर्वान्तर) में अगले आठेंदो तक, केन्द्रीय फिल्म प्रमाणन थोर्ड, वायर्स में प्रतिनियन्ति भाषाएँ पर क्षेत्रीय अधिकारी के पद पर नियुक्त करती है।

[फाइल सं 801/9/90 एफ (सी)]

श्री एग्र ग्रग्न, दैस्क मणिलाली

MINISTRY OF INFORMATION & BROADCASTING

New Delhi, the 3rd September, 1990

S.O. 2784.—In exercise of the powers conferred by sub-section (2) of section 5 of the Cinematograph Act 1952 (37 of 1952) read with rule 9 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint Shri T. Radhakrishnan, I.A.S. (MP : 78), to officiate as Regional Officer, Central Board of Film Certification, Bombay on deputation basis with effect from the forenoon of 6th August, 1990, until further orders.

[F. No. 801/9/90-F(C)]
T. S. ARASU, Desk Officer

श्रद्धालय

नई दिल्ली, 3 अक्टूबर 1990.

सा. स्रो 2735—प्रायोगिक विवाद प्रधिनियम, 1947 (1947 का 14) की भाग 17 के अनुसार में, केंद्रीय सरकार चिनाकुरी नं. 3 पिट कॉलरी एफ. बी. ईस्टर्न कार्बोफ्लैट लि. के प्रबन्धन के तरह नियोजक और उनके कर्मकारों के खाते, ग्रुविंग में नियांत्र प्रायोगिक विवाद में उचित भवण और ग्रुविंग में ग्राहकरण, भासनयोन के पदार्थ का प्रकाशन करती है, जो केंद्रीय सरकार की 5-10-90 की प्राप्त हुई गी।

MINISTRY OF LABOUR

Delhi, the 8th October, 1990

S.O. 2785.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chinakuri No. 3 Pits Colliery of M/s. E.C. Ltd., and their workman, which was received by the Central Government on the 5-10-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL ASANSOL.
REFERENCE NO. 5/89

Parties :

Employers in relation to the Management of Chinakuri No. 3 Pits Colliery of M/s. Eastern Coalfields Ltd.

AND

Their workman.

Appearances :

For the Employers—Shri R. S. Murthy, Advocate.

For the Workman—Shri S. I. Mukherjee, Advocate.

Industry : Coal State : West Bengal

Dated the 18th September, 1990

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 has referred the following disputes to this Tribunal for adjudication vide Ministry's Order No. 1-24012(177)-87-D, IV(B) dated 29-12-1988.

SCHEDULE

"Whether the action of the Management of Chinakuri No. 3 Pit Colliery of M/s. Eastern Coalfields Ltd., P.O. Sunderchak, Dist. Burdwan in dismissing from service of Sri B. N. Ghosh, Clerk, is justified? If not, to what relief the concerned workman is entitled?"

2. The case of the management in brief that Sri B. N. Ghosh, the concerned workman was a Clerk of Chinakuri No. 3 Pit Colliery. His duty was to prepare bills and to work as Pay Clerk. Sri Debabrata Mitra PW-5 was the Accounts Officer of the said colliery. During inspection Sri Mitra detected that Sri B. N. Ghosh, Clerk in collusion with Sri M. S. Chakravorty, Clerk and Sri S. K. Mondal, Audit Clerk prepared false bills in the name of one S. Ghosh for the period from November '80 to July '85, withdrew the amounts and misappropriated the same.

Then a chargesheet was prepared by the management and the same was served upon Sri B. N. Ghosh. The chargesheet reads as follows :

CHARGE SHEET

To
Sri B. N. Ghosh,
Clerk,

No. 1135

Dt. 25-9-85

The charge given below has been made against You are required to give our written and signed explanation in the space provided below within 48 hours on receipt of this Charge Sheet, failing which action will be taken against you on the charge made. In the event of your explanation proving unsatisfactory the Management will be liberty to take such action as it thinks suitable.

CHARGE

You have been working as Clerk Gr. I at Chinakuri 3 Pit colliery and have been performing the jobs of preparing combined attendance sheets, billing and disbursing payments, etc.

It has been detected during course of checking books and records of Chinakuri 3 Pit colliery that false of wages, CM Bonus, Annual Ex-gratia, Transport and Addl. Transport Subsidy, Special Incentive, House Rent, Arrear wages of NCWA-III, Arrears of D.A. etc. amounting to Rs. 89.00 (Approx) were prepared during the period from Nov. 1980 to July, 1985 by you in collusion with Sri Sanat Kumar Mondal, Resident Audit Clerk, Sri Madusudan Chakravorty, Clerk and some other Clerks of the colliery against the name of one S. Ghosh who was neither an employee nor worked in the colliery during the said period.

That you as a paying clerk while disbursing the wages fraudulently withdrew the amount of the bills prepared against the name of S. Ghosh by putting fake signature on the pay bills details of which is enclosed as Annexure-A and misappropriated the company's money.

That a false bill of Rs. 1001.92 was prepared as wages against the name of S. Ghosh in the month of Jan. 1982, you as a paying clerk did neither disburse the said bill nor deposited the amount as unclaimed wages but misappropriated the money.

That you prepared bills for House rent, Transport subsidy, Addl. Transport subsidy, Special incentive etc. against the name of S. Ghosh during the period from Nov. 1980 to July, 1985 though he was not an employee of the colliery and was not entitled to any such payment. On close investigation it appears that you withdrew most of these bills by putting fake signature on the bills as a paying clerk.

That bill for Rs. 81/- was prepared against the name of S. Ghosh A/c House rent, Transport & Addl. Transport subsidy, Special incentive etc. in the month of March, 1985 but you as a paying clerk drew Rs. 105/- against the said bill by putting fake signature of S. Ghosh on the bill.

That it is also reported that S. Ghosh S/o Jaladhar Ghosh against whose name all these false bills were prepared and withdrawn is related to you and you were fully aware that he was not an employee and did not work in the colliery during the period from Aug'80 to July 1985.

That false bills were prepared and amount withdrawn by putting fake signature on these bills mentioned in Annex-A by you as a paying clerk as a result the company suffered a heavy loss.

Your act amounts to misconduct u/s 17(i)(a), (f) & (i) of the standing Orders which reads as follows :-

Sec. 17(i)(a) : Theft, fraud or dishonesty in connection with employer's business or property.

Sec. 17(i)(f) : Habitual neglect of work.

Sec. 17(i)(i) : Causing wilful damage to work in progress or to property of the employer.

Sd/- Illegible
Manager

25-9-85

Chinakuri Mine III"

The concerned workman Sri B. N. Ghosh submitted a written explanation on 28-9-85 against that chargesheet which reads follows :

"To

The Manager,
Chinakuri No 3 Pit Colliery,
Ref. Charge-sheet No. 1135 of 25-9-85.

Sir,

With ref. to the above Charge-sheet I beg to submit the following as my explanation against the allegation put forward against me.

1. That I am quite innocent of the charges.
2. That no misconduct of the nature of 17(i)(a)(f)(i) of the provision of standing order for Coal Mines, has been contravent by me in collusion with S.K. Mondal and other clerks as alleged.
3. That Sri S. Ghosh is an employee of this colliery as admitted by the official of the Company in various documents and in course of official correspondences and he is not a 'Ghosh' person as intended to be coloured with some malafide motive for affecting and discrediting me and Sri S.K. Mondal and other concern clerks and also producing the distrust of Sri S. Ghosh.
4. That I have never committed fraud theft and dishonesty by my work in preparing attendance sheets, billing and disbursing and by way of making loss of the Company by way of making any false bills of wages, C.M. Bonus, Annual gratia, Transport Subsidy special Incentive, house rents, Arrear wages of N. C. W. A. II, Arrear D/D Amounting to Rs. 89,000/- or any amount for the period of Nov. '80 to July '85 against the name of Sri S. Ghosh.

As a matter of fact Sri Ghosh is an employee of this colliery from 15-7-80 and till this date allegations to contrary are false and fictitious.

5. That as a Pay Clerk I am to make payments by rotation and not for the entire period alleged of and such payments have been made by all pay clerks as per payment rosters on production of Identity card after taking signature/L.T.I. from the concern worker and thereby no fraudulent work has been committed by me.
6. That on account of death clerks since 5/6 clerks have retired and no new persons have been engaged there I have been ordered to make payments.
7. That Sri S. Ghosh has always withdrew his payments by putting his signatures and there is no fake signatures of him as alleged.
8. That I am to prepare Time-rated and monthly rated combined sheets as per advice of local management as there is death of clerk whereas I am by virtue of my office is a Despatch Clerk. Postings are made on the Time-rated and monthly rated sheets as per dictation of the Time-Keeper, B.C.I. and W.O's Clerk name of Sri Ghosh is in the P.c. rated sheet which is never been prepared by me.

9. That I am not in any way related with to Sri S. Ghosh and that is fictitious imputation.

10. That pay book would show that for house rent, Transport, Additional subsidy, Special Incentive for the month of March '85 actual payment of Rs. 105/- has been made which tallies with pay book and it has been interplated on the sheet by other hand with malafide intention the payment. All such bills prepared on the basis of wages sheet attendance.
11. That since I am an active member of W. B. Khan Mazdoor Sangh which is not in the good book of the management, I have been falsely implicated with motive of victimising me for any Trade Union activities.
12. The payment of January '82 was made by me to the genuine worker and no sheet was prepared by me. Perhaps the signature L.T.I. has not been affixed due to mistake.
13. In the face of the above circumstances you will be pleased to consider my past career and previous conduct and drop this proceeding forthwith.

Yours faithfully,

Dated : 28-9-85

Sd/- Biswanath Ghosh"

Chinakuri 3 Pit Colliery.

3. The management was not satisfied with the explanation submitted by Sri B.N. Ghosh. So Sri S. K. Chowdhury, Dy. Personnel Manager was appointed as Enquiry Officer to hold a domestic enquiry for the said charges levelled against Sri B. N. Ghosh. Sri Choudhury held the domestic enquiry giving all the opportunities to both the sides. Sri B. N. Ghosh participated in the enquiry. He prayed for the help of Sri S.K. Mondal a co-worker to assist him. But the said prayer was not allowed as there was similar proceeding against Sri S. K. Mondal. The prosecution witnesses were examined in presence of Sri B. N. Ghosh and they were cross-examined. The workman got himself examined in support of his case and he also examined other witnesses including Sri Subrata Ghosh (S. Ghosh) in support of his defence. After considering the oral evidence and documents filed by the parties the Enquiry Officer found the concerned workman guilty for all the counts of charges levelled against him and he submitted his report accordingly before the authority. In due course Sri B. N. Ghosh was dismissed from service w.e.f. 23-8-1986.

4. After such dismissal a dispute was raised on behalf of the dismissed workman and the attempt of conciliation failed. The matter was sent to the Ministry of Labour, Govt. of India and the Ministry of Labour has referred the dispute to this Tribunal for adjudication on the point as described in the schedule of Reference.

5. In a case like the present one, firstly we are to see whether the domestic enquiry was held fairly and properly, if not this Court is to hold a fresh enquiry. Secondly if it is found that the domestic enquiry was held fairly and properly then after re-appraisal of the evidence already adduced by the parties this Tribunal shall come to a finding whether the evidence adduced by the parties are sufficient to come to such a finding as arrived at by the Enquiry Officer. If this Tribunal finds that the evidence is not sufficient to hold the workman guilty, then this Tribunal shall set aside the findings of the domestic enquiry and shall pass appropriate order within the ambit of Section 11-A of the Industrial Disputes Act, 1947. Lastly if the Tribunal finds that the findings of the domestic enquiry are correct, then it shall look into the question of quantum of punishment.

6. As regards the first point we find that Sri S. K. Chowdhury was duly appointed as Enquiry Officer. He held the enquiry after giving all reasonable opportunities to both the sides. The concerned workman participated in the enquiry proceedings. In the written statement filed by the union the fairness and validity of the domestic enquiry were not specifically challenged on any particular point. This point came up for hearing on 13-3-1990. Sri S. K. Mukherjee, learned Advocate for the union with his usual fairness submitted

that the validity and fairness of the domestic enquiry are not challenged and the case may be heard on merits. This Tribunal found that the domestic enquiry was properly and fairly held observing the principles of natural justice and the preliminary objection regarding validity and fairness of the domestic enquiry was answered in favour of the management vide Order dated 13-3-1990.

7. As the early stage of this case the management filed one set of zerox copy of the enquiry proceedings. Sri Murthy learned Advocate for the management undertook that the original enquiry proceedings would be filed in Court in due course. On 17-7-1990 Sri Murthy filed a petition on behalf of the management stating that the original domestic enquiry proceeding is not traceable. That petition came up for hearing on 31-7-90. Sri S. K. Mukherjee learned Advocate for the union with the usual fairness submitted that if at this stage the case be taken up for denovo enquiry then the concerned workman would suffer beyond any measure as he is a dismissed workman. Sri Mukherjee accepted the zerox copy of the enquiry proceedings as original and proceeded with the case (vide order dated 31-7-90). For that reason the original enquiry proceeding is not in the record. The case has been heard accepting the set of zerox copy of the enquiry proceedings as original.

From the zerox copy of the enquiry proceedings we find that the page marking has been made from the reverse side.

8. In this case the prosecution has examined in all six witnesses and the concerned workman has examined in all eight witnesses including himself and S. Ghosh (Subrata Ghosh).

9. Now we have to consider the second point. Before entering into the merits of the case we are to look to the jurisdiction of this Court as laid down in Section 11-A of the Industrial Disputes Act, 1947 which reads as follows :

"11-A. Powers of Labour Courts, Tribunals and National Tribunals to give appropriate relief in case of discharge or dismissal of workmen—Where an industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal, as the case may be, is satisfied that the order of discharge or dismissal was not justified it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require;

Provided that in any proceeding under this section the Labour Court, Tribunal or National Tribunal, as the case may be, shall rely only on the materials on record and shall not take any fresh evidence in relation to the matter."

Therefore there is no scope for taking any fresh evidence in this reference case and this Tribunal is to re-appraise the evidence already adduced by the parties before the domestic Tribunal.

10. As this Tribunal is to re-appraise the evidence already adduced by the parties in the domestic Tribunal, it will be convenient to take up the points considered by the learned Enquiry Officer. The Enquiry Officer at first has considered the following point :

"Whether S. Ghosh was an employee and worked at Chinakuri 3 Pit Colliery during the period from November 1980 to July 1985 or not."

We find that the name of S. Ghosh was not in the Form B Register and other registers maintained under Rule 48(3), 51 & 77 of the Mines Act, 1952. It is mandatory to enter the name of an employee in such registers. There is also no appointment letter of S. Ghosh alias Subrata Ghosh.

Subrata Ghosh has been examined in this case on behalf of the concerned workman. He could not produce any identity card and pay book. The explanation submitted by him is not convincing. The name of S. Ghosh alias Subrata Ghosh did not appear in any of the attendance registers. But we find that his name regularly appeared in the wage sheets and other bills from November 1980 to July 1985. We find that payments were made to him. Subrata Ghosh has claimed that he had withdrawn all amounts which had been billed for in his name. So considering the materials on record and the facts and circumstances of the present case I am in agreement with the learned Enquiry Officer that Subrata Ghosh did not work in the colliery during the period from November 1980 to July 1985, but he had withdrawn the amounts billed for in his name. I find that somehow the name of S. Ghosh was brought in the wage sheets by some agency.

Then the learned Enquiry Officer has considered the following points :

"False bills of wages etc. were prepared by Sri B. N. Ghosh in the name of S. Ghosh or not."

There is no convincing evidence on record to show that Sri B. N. Ghosh had prepared the bills. The learned Advocate for the management has urged before me that Sri B. N. Ghosh has admitted in his written statement that he had prepared the bills. But I am unable to look eye to eye with the learned Lawyer for the management on this point. I find that the management has failed to prove that Sri B. N. Ghosh had prepared the bills in the name of S. Ghosh.

Lastly the learned Enquiry Officer has considered whether Sri B. N. Ghosh had withdrawn the amounts billed for in the name of S. Ghosh. There is no convincing evidence on record to show that Sri B. N. Ghosh had withdrawn the amounts by putting fake signature of S. Ghosh. There is no convincing evidence on record to prove the said allegation. Sri S. Ghosh as DW has stated that he had withdrawn all the amounts billed for in his name. The learned Lawyer for the management has taken me through the various types of specimen signatures put by S. Ghosh during his examination as defence witness. By pointing out the various types of signatures put by S. Ghosh, the learned Lawyer for the management has urged before me that this Court should hold that the amounts were drawn by Sri B. N. Ghosh by putting fake signatures of S. Ghosh. The learned Enquiry Officer has come to such a finding, but considering the materials on record and the facts and circumstances I am unable to look eye to eye with the Enquiry Officer and the learned Lawyer for the management on this point. I find that S. Ghosh had actually withdrawn the amounts though he did not work during the period.

11. There is specific allegation that Sri B. N. Ghosh prepared false bill of Rs. 1001.92 paise in the name of S. Ghosh and without disbursing the said amount he misappropriated the same. The learned Enquiry Officer took up this matter as Point No. 4. From Ext. 22 we find that a sum of Rs. 1001.92 paise was shown disbursed in the name of S. Ghosh. It is admitted that the concerned workman Sri B. N. Ghosh was the Pay Clerk with respect to this amount. There is nothing to show that Sri B. N. Ghosh prepared the bill, but we find that he disbursed the amount. From this document we find that this amount was shown disbursed without taking the signature of S. Ghosh. By pointing out the same the learned Lawyer for the management has urged before me that Sri B. N. Ghosh has misappropriated the amount. But as Sri Subrata Ghosh has claimed that he had withdrawn all the amounts billed for in his name, it cannot be said that Sri B. N. Ghosh misappropriated the amount. So I find that the management has failed to prove that Sri B. N. Ghosh misappropriated the amount. Considering the fact that the amount was disbursed without taking the signature of S. Ghosh it must be held that Sri B. N. Ghosh was negligent in his work as Pay Clerk.

12. As regards the Points No. 5 & 6 considered by the learned Enquiry Officer, I find that there is no convincing evidence to come to a positive finding against Sri B. N. Ghosh on these points.

13. Now let us see how far Sri B. N. Ghosh is liable for the payment to Subrata Ghosh. We have already found that Subrata Ghosh did not work in the colliery during the period from November 1980 to July 1985 which will be evident from his statement that during the relevant period he was regular student of various courses like Labour Welfare Course from 1981-82 at Calcutta, Diploma in Social Work (Labour Work) in 1982-83. It has been contended from the side of the management that S. Ghosh is a relative of Sri B. N. Ghosh. Sri B. N. Ghosh has stated before the Enquiry Officer that he has no relationship with Subrata Ghosh. He has stated that the name of his father-in-law is I. Ghosh and he does not know the full name of his father-in-law. Sri S. Ghosh has stated that Sri Jaladhar Ghosh is the name of his father. It is very difficult to believe that Sri B. N. Ghosh does not know the full name of his father-in-law. Sri N. N. Mondal PW-2 has stated that Sri S. Ghosh is the brother-in-law of Sri B. N. Ghosh through his sister. Considering the materials on record I have no hesitation to hold that Sri B. N. Ghosh has suppressed the truth. I am in agreement with the findings of the learned Enquiry Officer that Sri B. N. Ghosh is the brother-in-law of Subrata Ghosh.

14. It has been contended from the side of the Union that Sri B. N. Ghosh has been falsely implicated in this case for victimising him as he is an active member of West Bengal Khan Mazdoor Sabha and as he was not in the good book of the management. The finding of victimisation cannot be based merely on conjectures and surmises. In the instant case there is no convincing evidence from side of the workman to show that the management had any grudge against him for taking active part in the union work. On this point the learned Lawyer for the management has cited before me the cases reported in 1976 Lab. I.C. page 4, 1969 II I.L.J. page 799 and some other cases. Considering the principles laid down in those cases and the facts and circumstances of the present case I find that the workman has failed to prove that he has become a subject of victimisation. I am in agreement with the learned Enquiry Officer on this point.

15. According to the prosecution the misconduct of Sri B.N. Ghosh constituted offence of —

- (a) theft, fraud or dishonesty in connection with employer's business or property,
- (b) habitual neglect of work,
- (c) wilful damages to work in progress or to property of the employer.

After re-appraisal of the evidence and materials on record I find that the name of S. Ghosh somehow was brought in the wage sheet and in other pay sheets. He is brother-in-law of Sri B.N. Ghosh. Sri S. Ghosh never worked in the colliery for the period from November '80 to July '85. Having knowledge of that fact Sri B. N. Ghosh being the Pay Clerk all along made payments to Sri S. Ghosh. Further I find that Sri B. N. Ghosh was negligent in making payment of a sum of Rs. 1001.92 paise covered by Ext. 22. He did not take the signature of S. Ghosh at the time of making that payment. So considering all the materials on record and the facts and circumstances I find that there is no evidence that Sri B.N. Ghosh committed any theft, fraud or dishonesty in connection with employer's business or property. So the charge of the first count fails.

16. As regards habitual negligence of work I find that to make out a case of habitual negligence it must be shown that there was continuous negligence. But in the instant case we find that it is a solitary instance of negligence. So it cannot be treated as a case of habitual negligence, but it must be treated as a case of negligence.

17. As regards third count of the charge, I find that Sri B. N. Ghosh made payment to S. Ghosh knowing fully well that S. Ghosh did not work in the colliery for the period from November '80 to July, 1985. So it must be held that Sri B. N. Ghosh as a Pay Clerk made wilful damages to property of the employer by making such payment to S. Ghosh.

18. Now we come to the question of punishment. In this case the concerned workman has been dismissed from service w.e.f. 23-8-86. In this case it will not be out of place

to mention that in the present era dismissal from service is worse than capital punishment. Hon'ble Supreme Court has held that in rare of the rarest cases capital punishment should be imposed. Taking the said principle as a guideline, I must say that the offence or the misconduct in the instant case does not warrant dismissal from service as punishment. I find that dismissal of service is disproportionate with the offence committed by Sri B.N. Ghosh. In a case like the present one if his entire back wages are forfeited then it will be sufficient punishment for the offence committed by him. I find that he should be reinstated in service with immediate effect but shall never be posted in the Accounts Section or Cash Section. The entire back wages upto 30-9-90 may be levied against him as fine and the same may be forfeited and considering the nature of offence his passage of promotion may be blocked for ever and I think this punishment would meet the ends of justice.

Hence Ordered

19. That the action of the management in dismissing Sri B. N. Ghosh, Clerk from 23-8-86 is not justified.

- (a) Sri B. N. Ghosh, the concerned workman shall be reinstated in service with immediate effect, but he shall never be posted in the Accounts Section or Cash Section.
- (b) The entire back wages of Sri B. N. Ghosh upto 30-9-90 are levied against him as fine and the same are forfeited. He shall not get any back wages upto 30-9-90.
- (c) Sri B. N. Ghosh shall never be given any promotion to any post of higher responsibility.
- (d) Sri B. N. Ghosh will get usual wages from 1-10-90 irrespective of the date of his actual reinstatement in service.

20. Before I part with the record I must say that for some obvious reasons the management did not make any attempt to list the racket of irregular appointment and proceeded against one man as if it was a one man show though the facts speaks otherwise.

This is my award.

N. K. SAHA, Presiding Officer

[No. L-24012/177/87-D. IV(B)]

का. प्रा. 2786.—आधिकारिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के प्रत्युत्तर में, केन्द्र सरकार नियोजन, सेन्ट्रल बैंकिंग शाफ हस्तनं कोर्ट फीलडस वि., के प्रबन्धनवाले के सबद्वारा नियोजित और उनके कर्मचारों के बीच, अनुदान में निविष्ट मौद्दोंगिक विवाद में केन्द्रीय सरकार भौद्योगिक अधिकारण, प्रासादसोल में पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-10-90 को प्राप्त हुआ था।

S.O. 2786.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of Neamalpur Central Workshop of M/s. Eastern Coalfields Ltd., and their workmen, which was received by the Central Government on the 5-10-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL ASANSOL

Reference No. 14/90 & Reference No. 39/88.

PARTIES :

Employers in relation to the Management of Neamalpur Central Workshop of Eastern Coalfields Ltd.

AND
Their Workmen

APPEARANCES :

For the Employers.—Sri R. S. Murthy, Advocate, Represented both the Cases.

For the Workmen.—Sri J. D. Lal, Advocate (represented in Ref. Case No. 14/90), Sri C. D. Dewedi, Advocate (represented in Ref. Case No. 39/88).

INDUSTRY : Coal.

STATE : West Bengal.

Date, the 21st September, 1990

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 referred the following two disputes to Central Government Industrial Tribunal, Calcutta and subsequently the dispute have been transferred in pursuance of Ministry of Labour's Order No. S-11025 (1)/90-I.R.(C-II) dated 21-2-90 and No. I-11025(5)/87-D.IV(B) dated 6-4-88 respectively to this Tribunal for adjudication —

(1) Reference Case No. 14/90 referred vide Ministry's Order No. L-19012(73)/85-D.IV(B) dated 18-6-1986.

SCHEDULE

"Whether the action of the Management of Neamatpur Central Workshop of M/s. Eastern Coalfields Limited in not allowing the age (year of birth) of the following workmen to remain as mentioned in Form 'B' register maintained under the Mines Rules, 1955 after nationalisation of the establishment and as indicated in the identity card issued to them in 1983 is justified ? If not, to what relief the workmen concerned are entitled ?

S. No.	Name of the workmen and Designation	Age/Year of birth
1.	Sh. Mandanlal Bahri, Turner	1935
2.	Sh. Dharni Bouri, Turner	1936
3.	Sh. Naran Dusad, Fitter	1936
4.	Sh. N. K. Chatteraj, Despatch Clerk	1929
5.	Sh. N. G. Chatterjee, P.F. Clerk	1938
6.	Sh. Anathnath Chatterjee, Fitter	1930
7.	Sh. Anand Moy Chattaraj, Fitter	1930
8.	Sh. Shyampadaghsal, Elce. Fitter	1927

(2) Reference Case No: 39/88 referred vide Ministry's Order No. I-19012(83)/85-D.IV(B) dated 6-6-1985.

SCHEDULE

"Whether the action of the management of Neamatpur Central Workshop of M/s. Eastern Coalfields Limited in not allowing the age (year of birth) of the following workmen to remain as mentioned in the Form B Register maintained under the Mines Rules, 1955 after nationalisation of the establishment and as indicated in the identity card issued to them in 1983 is justified ?

S. No.	Name of the Workmen	Designation	Age/Year of birth
1.	Sh. Mongal Majhi	Asstt. Foreman	1929
2.	Sh. Jangle Routh	Pump Khalasi	1928

If not, to what relief the workmen concerned are entitled ?"

2. The Reference Case No. 14/90 & Reference Case No. 39/88 came up for analogous hearing as the facts of both the cases are almost same and the documents are common.

3. The case of the workmen in both the cases in brief is that they were employees of the Neamatpur Central Workshop under M/s. Eastern Coalfields Ltd. Initially this Central Workshop was in organisation under the Equitable Coal Co. Ltd., of M/s. Macneil & Berry Ltd. After introduction of the Mines Act, 1952 a 'B' Form Register was opened by the management. The same was seized after nationalisation. After nationalisation a New 'B' Form register was opened by the management but the employees had to put their signatures on the register when the main columns like age, year of entry in the service were left blank. The actual age of the concerned workmen were not noted in the B Form Register. So they were referred to Age Assessment Committee. The Age Assessment Committee determined the age of the concerned workmen and accordingly the age of the concerned workmen was corrected in the B Form Register prepared after nationalisation. But the management insisted that the 'B' Form Register prepared before nationalisation was correct one and on the basis of the same the concerned workmen were superannuated.

4. The concerned workmen raised a dispute before the A.I.C. (C) Asansol. The attempts of conciliation failed. The matter was referred to the Ministry of Labour and ultimately the Ministry of Labour referred the Cases to Central Government Industrial Tribunal, Calcutta and subsequently transferred to this Tribunal for adjudication.

5. The case of the management in both the cases in brief is that the allegations made by the workmen are false. The entries of the 'B' Form Register prepared before nationalisation are correct. On the basis of the same a new 'B' Form Register was prepared after nationalisation. But in the new 'B' Form Register prepared after nationalisation the workmen fraudulently got the entries of the 'age column' changed by interpolation. They were never referred to any Age Assessment Committee and their age was never determined afresh. The claim of the workmen is not justified.

6. At the very outset Sri Murthy the learned Advocate for the management has urged before me that the present Reference Cases are not maintainable as the Ministry has taken it for granted that the actual year of birth of the concerned workmen is the year shown against each of them in the Order of Reference. He has urged before me that on that score alone the present Reference Cases are bound to fail. With due respect to his contention I like to say that the wordings of the Order of Reference may not be very happy but the same are not so to reach to a conclusion that the year of birth shown against each of the concerned workman is the real year of birth. So I am unable to look eye to eye with the learned Lawyer of the management on this point. I find that the present Reference Cases are maintainable and not bad in law.

7. This Tribunal is a Court of Social Justice. This Court is not required to follow the strict principles of the Indian Evidence Act. This Court is to rely on the principles of natural justice. Keeping those points in mind this Court shall have to decide the disputes.

8. Before entering into merit of the cases, I like to put the names and other particulars of the concerned workmen of these Reference cases as below :—

REFERENCE NO. 14/90

Sl. No.	Name of Employees.	Date/Year of birth shown in Old B Form Register (Ext. M-1)	Date/Year of birth shown in New B Form Register (Ext. M-2)	Date/Year of birth shown in Identity Card Register (Marked 'X' for identification)	Remarks
1.	Mandalal Barhi	(Dead — not contested)			
2.	Dharni Rouri	(Daad — not contested)			
3.	Naran Dusad	Sl. No. 49 1931	Sl. No. 58 1936	Sl. No. 79 1931	
4.	N.K. Chattaraj	Sl. No. 168 1927	Sl. No. 212 1929	Sl. No. 4 1927	
5.	N.G. Chatterjee	(Dead Not contested)			
6.	Anathnath Chatterjee	Sl. No. 62 1928	Sl. No. 61 1930	Sl. No. 82 1928	
7.	Anandamoy Chattaraj	Sl. No. 142 1-1-1926	Sl. No. 64 1930	Sl. No. 85 1-1-1926	Dead. But contested
8.	Shyamapada Ghosal	Sl. No. 138 1926	Sl. No. 114 1927	Sl. No. 138 1926	

REFERENCE NO. 39/88

1.	Mongal Majhi	Sl. No. 48 1920	Sl. No. 47 6-8-1920 1929	Sl. No. 68 6-8-1929 1929	Dead: But contested.
2.	Jangle Routh	(No dispute)			

9. Ext. M-1 is the 'B' Form Register which was prepared before nationalisation by the Equitable Coal Co. Ext. M-2 is the 'B' Form Register prepared after nationalisation. The Register marked 'X' for identification is the Identity Card Register of the Neamtpur Central Workshop. There cannot be any hesitation to hold after comparing the entries of Exts. M1 & M2 that the entries of the Column 4 (Age & Sex) in Ext. M2 have been interpolated without any authentication. The learned Lawyer for the management has urged before me that even with naked eyes it can be read that the original entries in Column 4 of Ext. M-2 were similar to the entries of the same Column of Ext. M-1. I have no hesitation to agree with the learned Lawyer for the management on this point. The learned Lawyer for the management has urged before me that the concerned workmen in collusion with the then Manager Sri A. C. Das fraudulently got their recorded age changed so the workman must not be allowed to reap any benefit from such changed entries in Ext. M-2. With due respect to his contention I like to say that the 'B' Form Register is a very important document and that is always kept in the Safe Custody of the management and the workmen have no access to that. If an Officer like the Manager of Eastern Coalfields Ltd., colludes with the workmen, then surely the authority shall have to bear the effect of the same.

10. In the instant case it has been urged before me from the side of the union that all the concerned workmen of the present two cases were referred to an Age Assessment Committee due to such interpolation appeared in the

entries of Column 4 of Ext. M-2 and according to the report of the Age Assessment Committee the age of the concerned workmen was changed. There is no iota of documentary evidence in support of that contention excepting the oral testimony of Sri N. K. Chattaraj WW-1. Considering all the facts and circumstances of the present case, I find that such statement of Sri N. K. Chattaraj is to be taken with a grain of salt and it cannot be believed.

Fact remains that the entries of Column 4 of Ext. M-2 do not tally with the entries of the said Column of Ext. M-1 in respect of the concerned employees. It has transpired in evidence that before nationalisation there was no age of superannuation. The learned Lawyer for the workmen has urged before me that at the time of preparation of 'B' Form Register by the Equitable Coal Company the workmen gave their age by guess without taking any special care to get the correct age recorded as there was no age of superannuation. There is nothing to dispute that the age of superannuation was introduced after nationalisation and there is no evidence before me when actually the same was introduced. It is not against probability that the 'B' Form Register Ext. M-2 was also prepared when there was no age of superannuation and the workmen did not take any special care to get their correct age recorded in the same.

11. Considering the special feature of the present cases and all the facts and circumstances, I find that as there has been interpolation without authentication in Column 4 of

Ext. M-2, the changed year and date of birth of the concerned workmen cannot be accepted and on that score the action of the management is not unjustified.

In a case like the present one, as the document like Ext. M-1 shows that there has been a change in the age by interpolation, the concerned workmen who are alive have come before this Court some evidence regarding their age and have pledged oath in support of the age must be given an opportunity for fresh determination of their age to avoid any chance of injustice and by that the management will not suffer any loss. At present the employer is a Government Organisation and must behave like a model Employer.

But as regards the employees who are dead, this Court is inclined to take a separate view. As regards Anandamoy Chattaraj 1 and that his date of birth was recorded in Ext. M-1 as 1-1-1926. But in Ext. M-2 it was changed and it reads as 1920 in Column 4. Sri Sandip Chattaraj WW-2 is the son of Late Anandamoy Chattaraj. From his statement we find that his father died on 7-7-1988. From the materials on record we find that the authority superannuated him according to the entry of Ext. M-1 though according to Ext. M-2 he was to retire from service in the middle of 1990 at the age of 60 years which is the age of superannuation of the Deamatpur Central Workshop. This witness (WW-2) has filed the original Matriculation Certificate (Ext. W-12) of his father which shows that the date of birth of late A. M. Chattaraj is 29-12-1930. In addition to that a first Premium Receipt (Ext. W-13) of Life Insurance Corporation Policy of late Anandamoy Chattaraj has been filed which shows that in 1967 the age of Anandamoy Chattaraj was accepted by Life Insurance Corporation of India as 37 years, long before preparation of Ext. M-2, which supports the age of the Matriculation Certificate Ext. M-12. Sri Murthy the learned Advocate for the management has urged before me that the Matriculation Certificate must not be accepted as proof of age. I have already mentioned that it is a Court of Social Justice and this Court is to follow the principles of natural justice. So with due respect to his contention I like to say that it is a fit case where the Matriculation Certificate and the first Premium Receipt of the Life Insurance Corporation may be taken as good pieces of evidence in support of the case of the workman. These documents speak that at the time of recording the age of the workman before nationalisation and after nationalisation he did not take any special care to get the correct age recorded. So considering all the facts and circumstances and the materials before me, I hold that the year of birth of late Anandamoy Chattaraj is 1930 and it must be notionally held that he died while in service (in harness) in July, 1988 as he was to retire from service in 1990. Considering all the materials before me and the facts and circumstances I must say that in a case like the present one no back wages should be paid. But heirs of late Anandamoy Chattaraj must be paid all arrears of retirement benefits like gratuity etc., including death benefits and one of his dependant family member must be given employment in the workshop as per terms of National Coal Wage Agreement.

12. As regards Mongal Majhi of Reference Case No. 39/88 I find that according to Ext. M-1 his year of birth is 1920. According to Ext. M-2 his date of birth is 6-8-1920, but the year of birth is 1929. In the Identity Card Register his date of birth has been recorded as 6-8-1929 with a signature of some person and there is a note that this change has been made as per School Certificate. There is also a signature of some person. This Mongal Majhi is also dead. A xerox copy of the School Leaving Certificate marked 'Y-1' for identification has been filed showing that his date of birth is 6-8-1929. The learned Lawyer for the management has urged before me that such a xerox copy must not be accepted in a legal proceeding by this Court. I have already mentioned that this Court is not to follow the strict principles of the Indian Evidence Act. It has been contended from the side of the union that the original School Leaving Certificate was produced before the authority and on that basis the entry in Column 4 in Ext. M-2 regarding Mongal Majhi was changed. This statement gets support from the entry of the Identity Card Register regarding Mongal Majhi where we find that the change was authenticated by some officer who put his signature. So considering all the facts and circum-

stances and the materials before me, I have no hesitation to hold that at the time of preparation of 'B' Form Registers Ext. M-1 & M-2 Mongal Majhi was not serious in recording his age as there was no age of superannuation during the period of Equitable Coal Co. But subsequently he became serious, and get the entry changed by producing the original School Leaving Certificate. So from the materials before me I find that the date of birth of Mongal Majhi is 6-8-1929 and he was to retire from service in August, 1989. But he was wrongly superannuated taking 1920 as his year of birth. Thus considering all the facts and circumstances I find that the management superannuated Mongal Majhi at a premature age. So in a case like the present one, following the principles of natural justice, I hold that the ends of justice will meet if the heirs of Mongal Majhi be paid 20% (twenty per cent) of the back wages from the date of his premature superannuation till 6-8-1989 and the management must also pay the other balance retirement benefits like gratuity etc. to the heirs of Mongal Majhi for the said period.

13. In this case Sri N. K. Chattaraj WW-1 himself is a concerned workman. He has stated that at the time of preparation of 'B' Form Register he stated his year of birth as 1929. In support of his age he has also filed a first Premium Receipt of Life Insurance Corporation Policy taken by him in 1963 long before preparation of Exts. M-1 & M-2. It has transpired in evidence that Ext. M-1 was prepared in 1965-66. This Premium Receipt Ext. M-9 shows as if his year of birth is 1931. He claims that his year of birth is 1929 as recorded in Ext. M-2 (interpolated—changed from 1927 to 1929). So considering the materials before me and the facts and circumstances, I find that it is a fit case where the employee should be referred to Appex Medical Board for determination of his age.

14. S/Sri Naran Dusad, Anathnath Chatterjee and Shyamapada Ghosal of Reference Case No. 14/90 are the other living workmen who have contested the case. But there is no iota of evidence in support of their age. They did not even come forward to pledge their oath in support of their age. There is none to say that their date of birth as stands after interpolation in Ext. M-2 is their real year of birth. Sri N. K. Chattaraj WW-1 has stated that all the workmen appeared before the Age Assessment Committee. He has stated that "I along with other concerned workmen produced our documents as proof of our age before the Age Assessment Committee". But no sort of documentary evidence has been produced before this Court. Even the other workmen did not venture to appear to pledge their oath. So considering the materials on record and the fact and circumstances, I find that the management was fully justified in not accepting the interpolated entries of Ext. M-2 as real entry in their case.

15. To sum up, I find that there is no dispute with respect of cases of (1) Sri Madanlal Barhi, (2) Dharni Bouri and (3) Sri N. G. Chatterjee (workmen of Reference Case No. 14/90). There is also no dispute regarding Jangle Routh (workman of Reference Case No. 39/88).

As regards (1) Sri Naran Dusad, (2) Sri Anathnath Chatterjee and (3) Sri Shyamapada Ghosal (workmen of Reference Case No. 14/90) I find that the action of the management in not accepting the age of 'B' Form Registers prepared after Nationalisation and in the Identity Card issued in 1983 is fully justified and they are not entitled to get any relief.

As regards Sri N. K. Chattaraj of Reference Case No. 14/90 I find that the management was justified in not accepting his age as stands after interpolation in the 'B' Form Register Ext. M-2 prepared after nationalisation and in Identity Card issued in 1983. But this workman Sri N. K. Chattaraj must be referred to Annex Medical Board for determination of his age. If the Annex Medical Board finds that his year of birth is 1927, then he shall get no relief. If the Medical Board finds that his age was less than 60 years when he was superannuated, then the management must pay him all the back wages for the period from the date of his removal from service till the date of attaining the age of 60 years as may be determined by the Annex Medical Board. But if from the age assessment report of the Annex Medical Board it is found that Sri N. K. Chattaraj

raj has served beyond the age of 60 years, then management will be at liberty to recover the gratuity and other benefits which Sri Chatteraj has drawn in excess and Sri Chatteraj shall be bound to refund the same.

As regards Anandamoy Chatteraj the concerned dead workman of Reference Case No. 14/90, I find that the management was not justified in not allowing the age as mentioned in Form 'B' Register prepared after nationalisation (Ext. M-2). As I have already held that this year of birth is 1930 and he was to retire from service in 1990. So I hold that he died while in service. But considering the facts and circumstances no back wages shall or need be paid, but his heirs must be paid the arrear gratuity and other retiring benefits for the period for which the workman could not serve though he was entitled to serve including the death benefits. A defendant heir of late Anandamoy Chatteraj must be taken in service in the Neamatpur Central Workshop after giving proper appointment letter as Anandamoy Chatteraj died while in service, within one month from the date of publication of this Award.

As regards Mongal Majhi of Reference Case No. 39/88, I find that the management was not justified in not allowing the age as mentioned in Form 'B' Register prepared after nationalisation and in Identity Card issued in 1983. I hold that the year of birth of Mongal Majhi is 1929. There was premature superannuation in his case. He was to retire from service in August, 1989. But he died in February, 1990. So I find that the management shall pay 20 per cent (twenty per cent) of the back wages from the date of premature superannuation till 6th August, 1989 and the management must also pay the other balance retirement benefits like gratuity etc to the heirs of Mongal Majhi as if he was on duty till August, 1989.

This is my award. This award shall govern both the Reference Case No. 14/90 and Reference Case No. 39/88. Let a copy of this award be kept in each of the case record.

N. K. SAHA, Presiding Officer

[No. L-19012/12/83/85-D.IV(B)]

का. पा. 2787.—प्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में केन्द्रीय सरकार नोवें केन्द्रीय कालरी आफ मैं इ. सी. एल. पोस्ट-बहुला (दर्दिवान) के प्रबन्धालय के संबंध नियोजकों और उनके कमिकारों के बीच, प्रनश्चं में निर्णिय प्रीयोगिक विवाद में केन्द्रीय सरकार प्रीयोगिक अधिकरण, प्रासान्तरोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-10-90 को प्राप्त हुआ था।

S.O. 2787.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asaused as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Lower Kenda Colliery of M/s E.C.Ltd. and their workman, which was received by the Central Government on the 5-10-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL ASANSOL

Reference No. 36/90

PARTIES :

Employers in relation to the Management of Lower Kenda Colliery of M/s E.C. Ltd.

AND

Their Workmen

APPEARANCES :

For the Employers—Sri P.K. Das, Advocate.

For the Workman—Sri Manoj Mukherjee, Advocate

INDUSTRY : Coal.

STATE : West Bengal

Dated, the 20th September, 1990

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(75)/90-IR(C.II) dated the 8th August, 1990.

SCHEDULE

"Whether the action of the management of Lower Kenda Colliery of M/s. E.C. Ltd., P.O. Bahula, Dist. Burdwan in dismissing Sh. Kajal Chatteraj, Underground Loader w.e.f. 7-3-87 is justified? If not, to what relief is the concerned workman entitled?"

2. During the pendency of this case, on 12-9-90 both the parties filed a joint petition of compromise duly signed by them with a prayer to make an award in terms of the settlement.

3. I have gone through the terms of settlement and I find them quite fair and reasonable. Accordingly in terms of the settlement the award is passed.

4. The terms of settlement shall form part of the Award.
Enclo: Settlement.

Sd/-

N. K. SAHA, Presiding Officer

[No. L-22012(75)/90 IR(Coal-ID)]

MEMORANDUM OF AGREEMENT ARRIVED AT BETWEEN THE MANAGEMENT OF KENDA AREA AND THE UNION, COLLIERY MAZDOOR UNION (INTUC) REGARDING RE-EMPLOYMENT OF SRI KAJAL CHATTERAJ, EX-UNDERGROUND LOADER, LOWER

KENDA

Ref. 36 of 90.

The General Secretary, CMU (INTUC) had represented the case of Sri Kajal Chatteraj, Ex-Ug. Loader of Lower Kenda Colliery before the Competent Authority for review of dismissal of Sri Chatteraj.

Sri Kajal Chatteraj was dismissed for unauthorised absence.

The Competent Authority has been pleased to accord his approval for re-employment of Sri Kajal Chatteraj as communicated by the Personnel Manager (L), ECL, Sanctorie, vide his letter No. LCL/CMO/L-6E/14/637 dated 15/16-11-1989.

In view of keeping better and harmonious relation and to avoid further litigation the management and the union agreed to settle the issue on the following terms and conditions.

TERMS AND CONDITIONS

1. Sri Kajal Chatteraj, Ex-Loader of Lower Kenda Colliery will be re-employed as Underground Loader and posted at Lower Kenda Colliery.
2. The concerned workman will not claim any wages and other benefits for the period of his idleness.
3. He will be on probation for one year and during this period if his service/conducts are found to be satisfactory, the continuity of service will be given to him.
4. By this agreement all dispute/claims shall be deemed to be fully and finally settled and the workman con-

cerned shall have no right to agitate before any forum whatsoever in the matter.

ON BEHALF OF THE MANAGEMENT :
ON BEHALF OF THE UNION

General Secretary

C.M.I.(INTUC)

Sd./-Illegible.
Personnel Manager

Kenda Area.

WITNESS :

Concerned workman.

Part of the Award

Sd/-

N. K. SAHA, Presiding Officer

वा. आ. २७८४.—आंदोलिक विदाद श्रधितियम्, १९४७ (१९४७ का १४) की धारा १७ के प्रत्युत्तर में, केन्द्रीय सरकार द्वारा प्रोजेक्ट, नारेन कॉलफील्ड्स लि., के प्रबन्धनन के मध्य नियोजकों और उनके कर्मकारों के बीच, यन्त्रांग में निदित्त आंदोलिक विदाद में केन्द्रीय सरकार आंदोलिक श्रधितियम्, कानपुर के पंथाट को प्रकाशित करती है, जो केन्द्रीय सरकार को ५-१०-९० को प्राप्त हुआ था।

S.O. 2788.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Bina Project Northern Coalfields Limited, and their workmen, which was received by the Central Government on the 5-10-90.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL PANDU NAGAR DEOKI PLACE ROAD, KANPUR

Industrial Dispute No. 75 of 1988

In the matter of dispute between :
Shri Rameshwar Prasad Dubey

AT & PO Phutar,
District Sindhi (M.P.).

AND

The General Manager,
Bina Project,
Northern Coalfield Limited,
P. O. Bina Project,
District Mirzapur (U.P.).

AWARD

1. The Central Government, Ministry of Labour vide its notification No. L-21012/108/87-D.III(B) dt. 6/4/6-6-88 has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of Bina Project Northern Coalfield Limited Mirzapur in dismissing Shri Rameshwar Prasad

Dubey Category-II Mazdoor from service w.e.f. 30-12-86 is justified ? If not, to what relief is the workman entitled ?

2. The admitted facts are that the workman who was appointed as Mazdoor Category I on 31-1-81 and was later on came to be promoted as Mazdoor II was served with a chargesheet dt. 5-8-86, copy Ext. M-8. The charges read as under :—

- (i) That on 4-8-86 at the time of start of Hind shift you assaulted Shri N. R. Agrahari, Executive Engineer (Excavation), Bina Project, and hit him on his head with a piece of rubber hose pipe and damaged his spectacles while he was engaged in distributing the jobs in the office.
- (ii) That you again attempted to assault Shri N. R. Agrahari with a boulder but some persons prevented you from hitting Shri Agrahari at the aforesaid place.

3. Shri R. C. Sharma, Superintendent, of Mines vide memo dt. 7/8-7-86, Ext. M-6, was appointed Enquiry Officer, by the General Manager, Bina Project. Enquiry was held by Shri Sharma and he gave his findings, copy Ext. M-3. The date on which the findings were given by the E. O. is not found noted on Ext. M-3. On the basis of the findings given by the E. O., the General Manager, Bina Project, by means of his order dt. 29/30-12-86, copy Ext. M-1, dismissed the workman from service.

4. The workman has assailed the order of his dismissal from service. According to him the inquiry was not conducted fairly and properly in accordance with the principles of natural justice by the Enquiry Officer. According to him he was dismissed illegally out of malice.

5. On the other hand, in defence, the management plead that the inquiry was conducted in a fair and proper manner in accordance with the principles of natural justice. According to the management, the order of punishment is a valid order. In their written statement the management have made the prayer that in the event of inquiry being held as not conducted fairly and properly, the management be given an opportunity to lead evidence to prove the charges.

6. In support of their respective cases both sides have led oral as well as documentary evidence. The workman examined himself and the management examined Shri R. C. Sharma, Enquiry Officer.

7. On 18-9-90, which was the date fixed for hearing arguments, an application was given by the prayer that in the event of inquiry being held as been agreed between the parties that in the instant case the workman gives up his plea that the departmental inquiry was not conducted in a fair and proper manner. The parties will simply argue the case on the question of quantum of punishment which could be awarded to the workman within the four-corners of sec. 11-A I.D. Act. It was further stated in the application that both the parties shall abide by

the award of the Tribunal with regard to the quantum of punishment.

8. While making his submissions Shri N. K. Nair, the authorised representative for the workman has referred to the findings given by the Enquiry Officer and the order of the General Manager, dismissing the workman from service. According to him it will appear that extenuating circumstances exist for taking a lenient view in the matter in the award of punishment to the workman. Although the Enquiry Officer, gave no positive findings, the General Manager, took the charges as proved without referring to the evidence led by the parties before the Enquiry Officer. On the other hand, it has been argued by Shri V. K. Gupta, the authorised representative for the management, that the order of punishment does not call for any interference. I may state here that the right of the Tribunal to interfere with the order of punishment under sec. 11-A I.D. Act, in cases of discharge and dismissal in suitable cases is not disputed by either side

9. Ext. M-3, is the copy of findings given by the Enquiry Officer. At page 1 of his findings the Enquiry Officer writes as follows :—

Both the parties agreed on the point that :—

1. AT was very much upset when he was denied leave by Mr. AgraHari;
2. He was banged very badly by the complainant,
3. As a person he bears a good behaviour and good record in teh past.

In the last paragraph at page 1, the Enquiry Officer writes as follows :—

The statement of Mr. C. S. Singh, Mr. Khartad and Mr. Jha & Mr. AgraHari also confirms that Mr. Dubey's mother was seriously ill and as such he could not attend his duty on last two days and he came to inform his officer incharge about his absentism and also to get the leave graneted.....

AW was banged by Mr. AgraHari and as such AW might have become emotional and might have committed an assault.

10. In the next paragraph the Enquiry Officer writes Moreover the ground on which he demanded the leave was genuine and denial of the same inflicted personal feeling and emotion. From the above statement it has been concluded that the AW lost his temper due to irrational behaviour of Mr. AgraHari.

11. Then in the last but one paragraph at page 2, of his findings the E. O. writes :—

This must have led the AW to hesitate & create some disorder in an undesired manner. If we apply a little bit of logic it is nothing but a human error due to unbearable emotion.

In the inquiry report no word has been underlined. Words have been underlined by me of my own in order to lay emphasis on them.

12. Thus it is clear that there was no positive finding of guilt given by the enquiry Officer against the workman. The E.O. simply dealt with the probabilities without drawing any concrete conclusion. Further it is evident that before the alleged incident the workman had very good service record regarding his conduct and he had always exhibited a good behaviour. It further appears that although the workman was upset on account of the serious illness of his mother and was praying for grant of leave he was not nictited with a good response and good behavious from Mr. AgraHari banged him very badly. In the ordinary sense word 'Bang' means as if the workman had been pushed by the complainant and as a result of pushing he has struck against some thing in causing 'Bang'. If it were so naturally in the set of circumstances, in which the workman was he was bound to react against the uncalled for behaviour Rather assault made on him by the complainant.

13. It is clear from the unrebutted evidence of the workman vide para 1 of his affidavit that he was given employment as a displaced land owner whose land and residential house was acquired for Bina Project of the Northern Coalfield Limited.

14. Now just have a look at the order of dismissal passed by the General Manager. By making a sweeping remark such as 'After carefully examining and considering the report of the E.O. and evidence taken on record during the inquiry and other connected papers', he held the charges against the workman as proved. He also observed that there were no extenuating circumstances in favour of the workman. How he has said like that is not understood From the words quoted from the inquiry report it cannot be said that extenuating circumstances did not exist in favour of the workman.

15. Shri Nair has submitted that looking to the facts and circumstances, the workman should be let off with the warning or entry of censure or some other suitable punishment which the Tribunal considers just and proper in the circumstances of the case.

16. On the other hand, Shri Gupta, the authorised representative insists that the punishment of dismissal from service awarded to the workman be upheld.

17. After taking into consideration the facts and circumstances, to which reference has been made above, I am of the view that there do exist sufficient extenuating circumstances for taking a lenient view in the matter of award of punishment against the workman. If the workman is said to have acted in the manner alleged, it was because of the sudden and grave provocation given by the complainant Mr. AgraHari. As an officer he should have not exhibited such a deplorable behaviour with a workman who was already under mental agony on account of serious illness of his mother. To every one whether an officer or workman mother has the greatest regard. So in my opinion ends of justice will be met if a censure entry is made in his service record and he is let off with the said entry in the present case. I therefore, set aside the order of dismissal passed by the competent authority and substitute it by an order of

punishment awarding him the entry censuring his conduct, in respect of the incident which took place on 4-8-86. He will be reinstated in service with full back wages, continuity of service and all consequential benefits.

18. I am doing so because if the officer had lost his presence of mind, the workman too should have lost control and broken the discipline.

19. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

[No. L-21012/108/87-D-III(B)/IR(Col-II)]

प्रा. आ 2789.— अंतर्राष्ट्रीय विद्याव शिक्षियम्, 1947 (1947 का 14) की धारा 17 के प्रत्यवर्णन में, बोल्डीग गरकार इमार वालों द्वारा अन्धेरा सीपुर एंटरेंस थार में, ईस्टर्न कॉर फ़िल्ड्स नि के प्रबन्धतात्व के संबद्ध नियोजकों और उनके कर्मकारों के बीच; प्रनुबध में विनियोजित अंतर्राष्ट्रीय विद्याव में बैन्डोफ मर्कार अंतर्राष्ट्रीय शिक्षियम् आमनसोल के प्रकाश को प्रकाशित गरही है, जो केन्द्रीय मन्त्रालय को 5-10-90 को प्राप्त हुआ था।

S.O. 2789.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Damra Colliery under Sipur area of M/s. Eastern Coalfields Ltd. and their workmen, which was received by the Central Government on the 5-10-90.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, ASANSOL

REFERENCE NO. 57/88

PARTIES :

Employers in relation to the management of Damra Colliery under Sipur Area of M/s. Eastern Coalfields Ltd.

AND

Their workman.

APPEARANCES :

For the Employers—Sri Prasanta Banerjee, Advocate.

For the Workman—Sri Bijoy Kumar, Joint Secretary of the Union.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 27th September, 1990

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (a) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-24012 (39) '88-D.IV (B) dated the 1st August, 1988.

SCHEDULE

“Whether the action of the Management of Damra Colliery under Sipur Area of M/s. Eastern Coalfields Ltd., P.O. Kalipahari, Dist. Burdwan in not accepting the age of Sri H. P. Lala, Register Keeper as 40 years in 1971 in the Form B Register of erstwhile management viz. Bengal Coal Co. Ltd. and terminating his services from 1-3-1987 on the ground of attaining the age of superannuation, is justified ? If not, to what relief the workman concerned is entitled ?”

2. During the pendency of this case, to-day (17-9-90) both the parties filed a joint petition of compromise duly signed by them with a prayer to make an award in terms of the settlement.

3. I have gone through the terms of settlement and I find them quite fair and reasonable. Accordingly in terms of the settlement the award is passed.

4. The terms of settlement shall form part of the award.

Enc : Settlement.

N. K. SAHA, Presiding Officer
[No. L-24012/39/88-D.IV(B)]

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CALCUTTA

Reference No. 57 of 1988

PARTIES :

Employer in relation to management of Damra Colliery.

Vs.

Their Workman

Joint petition of Compromise :—

Both the parties aforesaid most respectfully beg to submit as under :

- (1) That the above matter is pending before the Hon'ble Tribunal and the matter has not yet been heard.
- (2) That, in the meantime, both the parties mutually discussed the instant matter and came to the amicable settlement on the following terms.

TERMS OF SETTLEMENT

- (A) That the age of Sri H. P. Lala, the concerned workman will be taken as 40 years in 1971, as recorded in 'B' Form Register and the concerned workman will be allowed to resume his duty within seven days from the date of settlement.
- (B) That the both the parties agree that the workman concerned shall not be entitled to any wages or other monetary benefits whatsoever for the period from 1-3-87 to the date the workman resume duty as per this settlement/petition.

- (C) That the period of non-employment from 1-3-1987 to the date he resumes duty will however be counted for the purpose of gratuity only.
- (D) By this settlement, the instant matter and any matter arising out of the instant order of reference stands settled fully and finally.
- (E) Both the parties pray that the terms of settlement may be accepted as fair and proper.
- (F) Both the parties pray that Hon'ble Tribunal may be pleased to pass an Award in terms of this settlement.

Sd./-

(K. C. Nandkeolyar)
8-9-90

Chief Personnel Manager

For and on behalf of Employer.

Sd./-

(Vinay Kumar)
8-9-90General Secretary,
Koyna Mazdoor CongressFor and on behalf of Workman.
Prasanta Banerjee, Advocate
17-9-90Bijoy Kumar, Jt. Secretary
of the Union
17-9-90

नई दिल्ली, 10 अक्टूबर 1990

सा. नं. 2790—प्रायोगिक विवाद प्रधिनियम, 1947 (1947 का 11) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बेस्टन कोल फैल्ड्स पि.—सन्ती सव एंड रिया, पोस्ट—सन्ती (चन्द्रपुर) के प्रबन्धताल के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्विष्ट प्रायोगिक विवाद में केन्द्रीय सरकार प्रायोगिक प्रधिकरण य श्रम न्यायालय जबलपुर के पंचाइ को प्रकाशित करती है, जो केन्द्रीय सरकार का 9-10-90 को प्राप्त हुआ था।

New Delhi, the 10th October, 1990

S.O. 2790.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of W.C. Ltd. Sasti Sub-area, Distt. Chandrapur (M.S.) and their workmen, which was received by the Central Government on 7-10-90.

BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR (M.P.)

CASE NO. CGIT/LC (R) (246)1989

PARTIES :

Employers in relation to the management of Western Coalfields Ltd., Sasti Sub-Area,

P.O. Sasti, District Chandrapur (M. S.) and their workman, Shri Chandrayya Vayanala, Loader, represented through the General Secretary, W.C.L. Mazdoor Sangathan, Belo Plat, Near Savari Bunglow, Naginabagh, Chandrapur-442401 (M.S.).

APPEARANCES :

For Workman.—Workman himself.

For Management.—Shri A. K. Shashi, Advocate.

INDUSTRY : Coal Mining DISTRICT : Chandrapur (M.S.)

AWARD

Dated September, 25, 1990

The Central Government, Ministry of Labour, vide Notification No. L-22012(191)89-IR (Coal-II) Dated 5-12-89, referred the following dispute to this Tribunal, for adjudication :—

"Whether the action of the Sub-Area Manager, Sasti Sub-Area of W.C. Ltd., Distt. Chandrapur (MS) in terminating services of Sri Chandrayya Vayanala, Loader w.e.f. 20-1-88 is justified ? If not, to what relief the workman concerned is entitled ?"

2. Management has filed its statement of claim on 15-5-90. Workman did not file his statement of claim inspite of notice. On 18-9-1990 parties filed a Memorandum of Settlement dated 13-8-90 duly signed by Shri B. K. Shrivastava, Personnel Manager, Ballarpur Area and the workman concerned, Shri Chandrayya Vainala, put his thumb mark, and also verified the same. The terms of Settlement are as under :—

TERMS OF SETTLEMENT

1. It is agreed that Shri Chandraya Vainala will be reinstated as Loader (PR).
2. It is agreed that the workman will not claim any back wages/monetary benefit whatsoever for the period from the date of termination to the date of joining of his duty.
3. It is agreed that idle period i.e. from the date of termination to the date of joining of Shri Chandraya Vainala after settlement will be treated as dies-non i.e. "no work no pay".
4. This fully and finally resolves/settles the case.
3. I have perused the terms of settlement mentioned above which appear to be just and proper and also in the interest of the workman concerned. I therefore record my award in terms of the settlement. No order as to costs.

V. N. SHUKLA, Presiding Officer
[No. L-22012(191)89-IR (Coal-II)]

सा. ना. 2791.—श्रीधोगिक विद्यार अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बेस्टने कोव फील्ड नि.—बलार पुर सब एन्स्या, बलार पुर, जिला—चंद्रपुर के प्रबंध तंत्र के संबद्ध नियोजकों आद उनक कर्मकारों के बीच, प्रतुष्ठ में निर्दिष्ट श्रीधोगिक विद्यार में केन्द्रीय सरकार श्रीधोगिक अधिकरण व श्रम व्यायालय जबलपुर के पर्यट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-10-90 को प्राप्त हुआ था।

S.O. 2791.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur, (M.P.) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Western Coalfields Ltd, Badarpur, Sub-area, Distt. Chandrapur (M.S.) and their workman, which was received by the Central Government on the 9-10-1990.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(196)/1989

PARTIES :

Employers in relation to the management of M/s. Western Coalfields Ltd, Ballarpur, Sub-Area, District Chandrapur (M.S.) and their workman, Shri J. K. Wairagade, represented through the Rashtriya Koila Khadan Mazdoor Sangh (INTUC) C/o General Manager Office, W.C. Ltd., Chandrapur (M.S.)

APPFARANCES :

For Workman.—Himself.

For Management.—Shri R. Menon, Advocate

INDUSTRY : Coal Mining

DISTRICT : Chandrapur
(M.S.)

AWARD

Dated, the 25th September, 1990

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-22012(70)/89 IR (Coal-II) dated 27th September, 1989, for adjudication of the following dispute :—

"Whether the demotion order dated 5th February, 1984 in favour of Sri J. K. Wairagade from the post of Driver to Trammer-cum-Loader issued by Sub-Area Manager, Ballarpur Sub-Area of W.C. Ltd., P.O. Ballarpur, Distt. Chandrapur (MS) and compelling Sri Wairagade to submit his resignation from 10-6-84 is justified? If not, to what relief the workman concerned is entitled?"

2. The reference order was received on 6-10-1989. Parties were noticed to file their respective statement of claims, but in spite of several adjournments sought by the parties no written statement has been filed by them. On 20-7-1990 Shri Menon, Advocate for Management, filed a Memorandum of Settlement duly signed by Shri B. K. Shrivastava, Personnel Manager, Western Coalfields Ltd., Ballarpur Area and S/Shri G. V. R. Sharma, Organising Secretary R.K.K.M. Sangh (INTUC) as also by the workman concerned, Shri J. K. Wairagade. Since neither the workman concerned nor his representative was present on 20-7-1990 on which date Memorandum of Settlement was filed the case was fixed for verification of Settlement. On 19-9-1990 parties appeared and verified the settlement, the terms of which are as under :—

TERMS OF SETTLEMENT

1. It is agreed that Shri J. K. Wairagade will be reinstated as Driver Cat. V.

2. It is agreed that neither Union nor workman will claim any back wages/monetary benefit whatsoever for the period from the date of acceptance of resignation to the date of joining of his duty.

3. It is agreed that the idle period i.e. from the date of acceptance of resignation to the date of joining Shri J. K. Wairagade after settlement will be treated as dies-non i.e. no work no pay.

4. This fully and finally resolves/settles the case.

3. I have gone through the terms of settlement. They appear to be just, fair and in the interest of the workman concerned. I therefore record my award in terms of settlement and make no order as to costs.

V. N. SHUKLA, Presiding Officer

[No. L-22012/70/89-IR (Coal-II)]

सा. ना. 2792 — श्रीधोगिक विद्यार अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कालेरी आफ ए. ई. मी. एन. निर्दिष्ट वरचा कालेरी जिला—सरगुजा (म. प.) के प्रबंधत के संबद्ध नियोजकों द्वारा उनक कर्मकारों के बीच, प्रतुष्ठ में निर्दिष्ट श्रीधोगिक विद्यार में केन्द्रीय सरकार श्रीधोगिक प्राधिकरण व श्रम व्यायालय जबलपुर के पर्यट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-10-90 को प्राप्त हुआ था।

S.O. 2792.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Churcha Colliery of S.E.C.L. P.O. Chircha Colliery, Distt. Surguja (M.P.) and their workmen, which was received by the Central Government on 9-10-1990.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(175)/1987

PARTIES :

Employers in relation to the management of Churcha Colliery of S.E.C.L., P.O. Chircha Colliery, District Surguja (M.P.) and their workmen (74 in number, list of which is given under the Schedule) represented through the R.K.K.M.S. (INTUC) P.O. Chircha Colliery, District Surguja (M.P.)

APPEARANCES :

For Workmen—Shri R. K. Gupta, Advocate.

For Management—Shri R. Menon, Advocate.

INDUSTRY : Coal Mining DISTRICT : Surguja (M.P.)

AWARD

Dated, the 25th September, 1990

This is a reference made by the Central Government in the Ministry of Labour vide its Notification No. L-21011/18/87-D.III (B) dated 28-8-1987, for adjudication of the following dispute :—

SCHEDULE

"Whether the dismissal/stoppages of 74 workers (list enclosed) from work by the Management of Sub-Area Manager/Dv. CMF, Churcha Colliery of SCCL is justified? If not, to what relief the workmen are entitled?"

List of Persons

Sl. No.	Name/Father's name	Designation	Struck off from
1.	Parasumram/Lurian	Cat. I	July, 1984
2.	Hiralal/Ramcharan	Cat. I	Nov., 1983
3.	Basudeo Bhua/Budhan Bhuai	PRL	April, 1984
4.	a bandhan/Hiralalla	Cat. II	Nov., 1983
5.	Basant/Bi u	PRL	July 1984.
6.	Ekhabe /Ramanter	Cat. III	Oct., 1983.
7.	Dharamsai/Mohan	PRL	Aug., 1983.
8.	Rupsai/Dahhalsai	PRL	Sept., 1984.
9.	Gopal Jaital	PRL	May 1982.
10.	Gulab/Setram	Cat. I	April, 1983.
11.	Lalsai/Gulal	PRL	Feb., 1983.
12.	Basaram/Someshar	Cat. I	April, 1983.
13.	Suhhnardan/Somarsai	PRL	April, 1983.
14.	Soharan/Bhurai	PRL	Nov., 1983.
15.	Gobind Ram/Seobalab	PRL	Nov., 1983.
16.	Gorekai/Birbal	Cat. I	Jan., 1983.
17.	Madanlal/Bachelal	Cat. I	Oct., 1984.
18.	Suhhdeo/Biran an.	PRL	July, 1983.
19.	Aarsai/Katwari	PRL	Jan, 1983.
20.	Hiralal/Ran lal	Cat. I	Sept., 1984.
21.	Amulsai/Abhayraj	Cat. I	March, 1984.
22.	Ramlal/Suhhlal	Cat. I	Aug., 1983.
23.	Amarsai/Anupsai	PRL	March, 1984.
24.	c deo/Seshman	PRL	March, 1984.
25.	Baliram/Duhhi	PPL	1983.
26.	Sobanath/Sudhram	PRL	Nov., 1984.
27.	Niranjan/Gajroop	Cat. IVMF	May, 1985.
28.	Garjooram/Pandru	PRL	Oct., 1983.
27.	Bal Piasad/Scopal	Cat. I	Mar., 1981.
30.	Rampyari/Man alsi	Cat.	Oct., 1983.
31.	a lal/Ramsai	Cat.	Aug., 1982
32.	Sudhuram/Dasarath	PRL	1983.
33.	Mohers.i/Ram		1984.
34.	Ram Kripal/Bagirathi		1984.
35.	Jai Prakash Pandey/Hari	Cat.	1984.
36.	Brijlal/Mathura	Cat. I	Oct., 1983.
37.	Dalaganjan/Binu	PRL	April, 1982.
38.	Harinandan/Sakharam	PRL	May, 1983.
37.	Jangalsai/Agarsai	PRL	May, 1982.
40.	Sukul Pd/Ramgopal	PRL	Jan. 1981.
41.	Gyanchand/Lalu	Cat. II	March, 1984.
42.	Ramprasad/Rajit	PRL LHD Helper	March, 1984.
43.	Abhimane/Banchhu	PRL	March, 1984
44.	Swan/Billoo	TPRL	May, 1984.
45.	Dhanukdhari/Ramnath	Cat. I	May, 1984

S. No.	Name/Father's name	Designation	Struck off from
46.	Baiga/Sabran	TPRL	Aug., 1983.
47.	Ramsharan/Kisun		May, 1984.
48.	Rampyari/Jai Singh		May 1984.
49.	Sheorarayan/Bora ⁱ	Cat. I	May, 1984.
50.	Mangar/Lal Sai	TPRL	May, 1984.
51.	Ramabdhes/Daduwa	TPRL	May, 1984.
52.	Hiralala/Basanta	TPRL	May, 1984.
53.	Nankoo/Udai	TPRL	May, 1984.
54.	Sukhlal/Sukhdeo	Driller Help.	May, 1984.
55.	Karan Sai/Dular Sai	Cat. I	May, 1984.
56.	Seshuwan/Rup Sai	TPRL	May, 1984.
57.	Lakhanram/Nandram	TPRL	June, 1984.
58.	Zahid/Utabali	Cat. I	Oct., 1984.
59.	Babulal/Ram Sai	TPRL	Oct., 1984.
60.	Parmeshwar/Jagbandhan	Dresser	Oct., 1984.
61.	Kanhayalal/Son Sai	PRL	Oct., 1984.
62.	Budhunam/Jit Sai	PRL	Oct., 1984.
63.	Amarsingh/Ram Sai	Trammer	Oct., 1984.
64.	Bameshwar/Biteshwar	Cat. I	Jan., 1985.
65.	Dular Sai/Kaira	Cat. III	Feb., 1985.
66.	Ishwari Pd./Bulchu	TPRL	Feb., 1985.
67.	Raghu/Hariram	TPRL	Feb., 1985.
68.	Manbodh/Ramsunder.	Cat. III	Feb., 1985.
69.	Pyari/Giroo	Cat. III	Feb., 1985.
70.	Dharamjeet/Karan Sai	TPRL	Feb., 1985.
71.	Chamroo/Mukund Ram	Cat. VCCMP	1983.
72.	Ramsewak/Mohan	Loader	Aug., 1983.
73.	Sukhan/Ayodhya	Loader	Sept. 1983.
74.	Jagarnath/Ramswar	Cat. IV Trindal	Sept., 1983.

2. On behalf of the workmen, Rashtriya Koya Khadan Mazdoor Sangh (INTUC) Churcha Colliery filed statement of claim, Management has filed an application raising certain preliminary objections. Therefore good sense prevailed in parties and they have mutually settled the dispute. It is stated by the management that Shri Ram Sharai S/o Kisun (named at Sl. No. 47 of the list) has expired on 10-3-1988 and has filed a Death Certificate of the Sarpanch, Gram Panchayat, Sardi, District Baikunthpur Sarguja to this effect.

3. In respect of Sukhlal/Sukhdeo (Serial No. 54), Lakhanram/Nandram (Serial No. 57), Dharamjee/Karan Sai (Serial No. 70) and Chamroo/Mukund Ram (Serial No. 71) the management has stated in the application dated 1-3-1989 that notice were sent to these persons asking them to report for duty and to enter into settlement, if they so wish. They have neither appeared before the management nor they have appeared before the Tribunal to make any submission. However, Counsel for the management offered before this Tribunal that if the above four persons are prepared to join duty in the terms agreed upon with the other workmen within three months from the date of award, the management would be prepared to take them back in service.

4. I have gone through the proceedings dated 23-5-1988 and 1-3-1989. On 23-5-1988 the management has filed settlements in respect of workmen named at Serial Nos. 1, 2, 4, 6 to 26, 22, 23, 25 to 46, 48 to 51; 53; 2764 GI/90- 6

55 to 60, 62 to 68, and 72 to 74 and on 1-3-1989 in respect of workmen named at Serial No. 62, 61 and 69. Thus the settlements have only been filed and are on record of 63 workmen.

5. The settlements in respect of the workmen named at Serial Nos. 3, 5, 21, 24, 64, and 67 have not been filed; though it is stated by the management that the settlements in respect of these workmen have also been arrived.

6. The terms of settlement in respect of the 63 workmen mentioned in para 4 of the judgment are as under :

TERMS OF SETTLEMENT

- Employment will be subject to medical fitness and character verification.
- The workmen will not get any wages from the date of termination till fresh appointment and the workmen and the union will not claim any back wages or any other relief whatsoever from the date of termination till the date of employment as a fresh candidate Cat. I General Mazdoor under NCWA-III.
- The services actually rendered by the workmen will be counted only for the purpose of gratuity.
- The employment will be totally fresh for all other purpose from the date of a fresh employment.

5. That the performance of the workmen will be watched for a period of 6 months and if the performance is not found satisfactory, the management has a right to terminate his services without anything further.
6. The decision of the management in this matter will be final and conclusive.
7. This settlement is in full and final settlement of all the claims of the workmen and the Unions.
8. The parties shall file the settlement before CGIT for withdrawing the case pending there and for consent award on the terms and conditions as stipulated in Form-H settlement.
9. The Unions agreed that they will not quote this settlement as precedent in any of the areas/ Collieries of South Eastern Coalfields Ltd. This settlement has been done as a special case.

7. I have gone through the above terms of settlement in respect of 63 workmen which appear to be just, fair and in the interest of the workmen concerned. I therefore record my award in terms of the settlement arrived at between the 63 workmen and the management.

8. Workmen named at Serial Nos. 54, 57, 70 and 71 viz. Sukhlal/Sukhdeo, Lakanram/Nandram, Dharamjeet/Karan Sai and Chamroo/Mukund respectively did not turn up to join the duty as per settlement with other workmen inspite of notice by the management. However, they would be permitted to join duty in the terms agreed upon with the other workmen, within three months of the date of publication of award. Award in respect of the above four workmen is recorded accordingly.

9. Ramsharan/Kisun (Serial No. 47) has expired. Therefore the reference in respect of this workman has become infructuous.

10. As stated in para 5 of the judgment settlements in respect of six workmen viz. Busudeo Bhua/Budhan Bhua, Basant/Begu, Anulsai/Abhayrai, Jagdeo/Seshman, Rameshwar/Biteshwar and Raghu/Hariram have not been filed by the parties. But, according to the management, the case of these six workmen have also been settled as per terms agreed upon with the other workmen. Since the settlements in respect of these six workmen are not on record and it is not known whether they have turned up to join duty, the case of these workmen should also be treated at par with the persons who have not turned up inspite of notice by the management to join duty and such an offer is still open to them if they turn up within three months from the date of publication of award. I therefore direct the management to take these six workmen (whose settlements are not on record) on duty if they report within three months from the date of publication of award and will be given benefits as per terms agreed upon with the other 63 workmen.

Thus I record my award in the above terms in respect of all the 74 workmen listed under the Schedule to the reference order, without any order as to costs.

V. N. SHUKLA, Presiding Officer

[No. L-21011/18/87-D.III (B)/JR (C-JD)]

का था, 2793.—प्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रनुसार में, केन्द्रीय सरकार भास्तरायतवारी कालरी प्राफ मैं, इलू. सी. लि., चंद्रपुर के प्रबंधनत के मंड़ा नियोजकों प्रीय उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट प्रीयोगिक विवाद में केन्द्रीय सरकार प्रीयोगिक अधिकारण व अम न्यायालय, जबलपुर के पंजपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-10-90 को प्राप्त हुआ था।

S.O. 2793.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation

to the management of Chanda Rayatwari Colliery of M/s. W.C. Ltd. P.O. and District Chandrapur (M.S.) and their workmen, which was received by the Central Government on 9-10-1990.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(252)/1987

PARTIES :

Employers in relation to the management of Chanda Rayatwari Colliery of M/s. W.C. Ltd., P.O. and District Chandrapur (M.S.) and their workmen Shri Rammurat Birbal Yadav, represented through the Working President Rashtriya Koya Khan Mazdoor Sangh, Near Mahakali Mandir, P.O. and District Chandrapur (M.S.).

APPEARANCES :

For Workman—None.

For Management—Shri Rajendra Menon, Advocate.

INDUSTRY : Coal Mining DISTRICT : Chandrapur (M.S.)

AWARD

Dated, the 24th September, 1990

By Notification No. L-21012/53/87-D.III (B) dated 30-11-1987 Central Government, Ministry of Labour, referred the following dispute to this Tribunal, for adjudication :—

"Whether the action of the management of M/s. Western Coalfields Ltd., (Chanda Rayatwari Colliery in dismissing from service Shri Rammurat Birbal Yadav, Loader w.e.f. 20-1-1986 was justified? If not, what relief is the workman entitled to?"

2. Inspite of several notices, neither party filed their respective statement of claim etc. On 29-11-1988 Counsel for the management filed a Photo copy of Memorandum of Settlement dated 28-11-1987 which appear to have been signed by the workman concerned, Shri Rammurat Yadav and Shri P. G. Jahagirdar, Personnel Manager (Artg.) Chandrapur Area, the terms of which as incorporated therein are as under :—

1. "That Shri Rammurat Birbal Yadav will be re-employed in the same post and grade as held by him at the time of dismissal with the basic pay which he was drawing as on the date of dismissal within one month from the date of this Settlement."
2. That the period of absence from the date of dismissal till the date of joining as per this agreement will be treated as dies-nou.
3. That the workman will not be entitled to wages or any other payment whatsoever for the period of idleness from the date of dismissal to the date of re-employment.
4. That an assurance of good performance and conduct will be furnished by Shri Rammurat Birbal Yadav in writing before joining duties. During initial period of one year, his performance shall be judged by the Samanvaya Samiti functioning at the place of posting. On satisfactory completion of this period as per the report of the Samanvaya Samiti, he will be given continuity of service for the limited purpose of payment of Gratuity. As regards conduct, he will be governed by the relevant Standing Orders.
5. On re-employment. Shri Rammurat Birbal Yadav will be posted at Nandgaon Incline of Lajpath Sub-Area.

6. This agreement fully and finally resolves the industrial Dispute."

3. The case was thereafter fixed for verification of Settlement, but inspite of notice none appeared on behalf of the workman or the Union on 26-12-1988, 14-2-89 and 19-9-1990. On 19-9-1990 Shri Shashi, Counsel for the management stated that the settlement has duly been implemented which fact is fortified from non-appearance of the workman concerned on the above dates which were fixed for verification of settlement. However, Counsel for the management verified the settlement on 19-9-1990. Since the Settlement, as stated by the Counsel for the management, has been duly implemented, the workman chosen to remain absent and did not care to verify the settlement before this Court. I have therefore no alternative but to record a No Dispute Award. Award is recorded accordingly. No order as to costs.

V. N. SHUKLA, Presiding Officer

[No. L-21012/53/87-D.III (B)/IR (C-II)]

का. आ. 2794.—मोर्योगिक विकाद भविनियम, 1947 (1947 का 14) को बारा 17 के अनुसारण में, केन्द्रीय सरकार भारतीय वाय निगम पुणे के प्रबंधालय के संबद्ध नियोजकों और उनके कर्मकारों के बीच, घनुवन्ध में निर्विष्ट मोर्योगिक विकाद में केन्द्रीय सरकार मोर्योगिक भविकरण मं. 1 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-10-90 को प्राप्त हुआ था।

S.O. 2794.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India and their workmen, which was received by the Central Government on the 9-10-1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I AT BOMBAY

(Presiding Officer : Justice S. N. Khatri)

Reference No. CGIT-45 of 1988

PARTIES :

Employers in relation to the management of Food Corporation of India,

AND

Their workmen.

APPEARANCES :

For the Management : Shri Masurkar, Advocate.

For the Workmen : Shri Kotwal.

INDUSTRY : Food. STATE : MAHARASHTRA.

Bombay, the 4th day of October, 1990

AWARD

The Central Government has referred the following industrial dispute to this Tribunal under section 10 of the Industrial Disputes Act, 1947, for adjudication :

"Whether the action of the Management of Food Corporation of India, Pune in relation to its establishment at Pune in transferring the juniormost employees at station to Ahmednagar and Sholapur in violation of its new transfer policy is justified? If not, to what relief the workmen are entitled?"

2. Both sides agree that the word 'Juniormost' figuring in the text of the reference is mistaken, and that it should be read as 'Seniormost'. Accordingly the reference is being proceeded with on that basis.

3. The Food Corporation of India Employees Association (hereafter 'the Association') are representing the Workmen concerned in this dispute. In the course of this award it will be necessary to refer to one more Trade Union, that is all India Trade Union of Food Corporation of India Employees and Workers (hereafter, 'the Union'), which is not a party to this dispute. The facts as stated by the parties in the original pleadings, that is to say, the statement of claim of the Association and the written statement of the District Manager, Food Corporation of India, Pune (hereafter 'the Management'), are not that clear. However later on the Management have further filed an affidavit dated 12th February, 1990 of Shri A. Kannipiran, Deputy Manager, (I.R.), F.C.I., Bombay and the Association have filed in reply the affidavit of their President Shri Kamble on 17-4-1990. These two affidavits have brought out the respective cases of the parties in focus. Indeed, as the position finally turns out, there is hardly any dispute left on the material facts, except a few.

4. The facts that are no longer in dispute may now be stated. The establishments of the Corporation at Pune proper, Dehu Road, Sholapur and Ahmednagar fall under the administrative control of a single District Manager, with headquarters at Pune. There was a depot functioning at Dehu Road till about March 1987. As this depot was wound up for good, the staff posted there was brought in batches to Pune proper. By their order dated 29-7-87 (Ex. W-1), the Management transferred 9 A.G. II and A.G. III staff from their Pune and Dehu Road establishments to Ahmednagar. Of these three—Serial Nos. 1, 2 and 5—were from Dehu Road establishment. These orders were challenged by the Union by lodging a strong protest with the Senior Regional Manager (Maharashtra), Bombay by their letter dated 31st July, 1987, (annexure B to the Management's affidavit) and also by taking up the matter with the Assistant Labour Commissioner, Bombay. The ground of protest as made out in the letter was that the Corporation has been grossly partisan to the Association in passing the orders of 29th July, 1987, by treating the establishments at Pune and Dehu Road as separate from each other for the purposes of seniority and transfers and thereby allowing the member of the Association to stay at Pune for a number of years without disturbance. Eventually the Management withdrew its orders.

5. Thereafter the Management came out with two more orders—dated 27-8-87 (Ex. M-1) and 1-9-87 (Ex. M-2). By the first order they transferred 10 A.G. II and A.G. III staff from Pune to Ahmednagar. By the second order, they transferred 17 Watchmen from Pune to Sholapur. The Association have no grievance about the first order dated 29-7-87; in fact their submission was that if the Management had no succumbed to the pressure of the Union and not withdrawn those orders, there would not have been any occasion at all for this industrial dispute. Be that as it may, the fact remains that they are challenging the propriety of the orders 27-8-87 and 1-9-87 very seriously, on two grounds. First, that the Management's action in withdrawing the first order of 29-7-87 under undue pressure of the Union and passing the two impugned orders, without even caring to consult the Association, is mala fide. The second ground of attack is that the impugned orders are passed in breach of Guide Line II(11) of the Guidelines on transfer policy issued by the Chairman of the Corporation. This guideline is as follows :

In the case of surplus employees at a particular station, junior most employee in service at that station will move, as far as possible. In case of winding up of operation at a Depot/Office Junior most in the station will move first in general.

6. The Association assert that Dehu Road and Pune are separate and independent stations for the purposes of transfers and seniority of stay at a particular station. They point out that because the entire Dehu Road Staff was brought to Pune on closure of the depot at Dehu Road, the Management were required to pass the impugned orders, in order to disperse the surplus staff. This being the position, the Association submit, the Management should here transferred the juniormost staff at Pune as contemplated by Guide-line II(11). Instead of doing that, the Management did just the reverse and transferred the seniormost staff. It may be noted that the Workmen were actually relieved in

January, 1988, for joining at Ahmednagar and Sholapur. It is also not in dispute that they have been brought back to Pune in January-March 1989, and that they were not paid their T.A. and D.A. or other transfer benefits. The Associations deny the Management's assertion that these transfers back to Pune, were made at the express request of the Association and as such the Workmen are not entitled to any transfer benefits. The Workmen now pray that the two impugned orders may be set aside and the Management be directed to pay them transfer benefits and further compensation at the rate of Rs. 500 p.m. for their period of stay at Ahmednagar and Sholapur. As an alternative to compensation, they suggest that their stay at those places may be treated as tour on deputation.

7. The Management deny the Association's claim in toto. According to them, Dehu Road and Pune formed a single station for the purposes of transfers. They deny that the present case falls under Guideline II(1); according to them, it falls under Guideline II(2), inasmuch as the transfers were made in routine course and not to disperse the surplus staff, as contended by the Association. They deny that their action was male fide. They point out that the Guidelines are not mandatory, and do not create any right as such in favour of the Workmen to remain at a particular station. They state that in fact nothing survives for adjudication now, inasmuch as all the affected Workmen have been brought back to Pune. They request for rejecting the reference in toto.

8. The parties have not adduced any oral evidence, apart from the two affidavits referred to in para 3 supra. They have however filed a number of documents, which are being read in evidence with their consent. I have also heard Shri Masurkar for the Management and Shri Kasarkar for the Association at length.

9. The first question for consideration is whether for the purposes of transfer policy, Dehu Road and Pune proper were being treated as two separate stations, as contended by the Association. I am satisfied that there is substance in this submission. Annexure D to the Workmens' affidavit is an order dated 12-1-84 issued by the District Manager, Pune, under which 29 A.G.-III employees were transferred to different stations in Pune and Goa F.C.I. Districts. Under this order as many as 10 employees were transferred from Pune to Dehu Road. Even under the orders dated 29-7-87 (Ex. W-1) two A.G. II and one A.G. III employees were transferred to Ahmednagar from Dehu Road. Copies of these orders were separately endorsed to the Assistant Manager, Dehu Road, as in case of other stations. It appears that correspondence was going on between the F.C.I. and the Army Authorities of Pune Cantt. for handing over the sheds and other property of Dehu Road Depot to the Army authorities. The papers show that copies of the correspondence were being regularly marked to the Assistant Manager and Junior Electric Engineer, Dehu Road for necessary action. All these documents create a ring of truth round the assertion of the Association that Dehu Road had all along treated as a separate station from Pune proper, not only for transfer purposes, but for all administrative purposes.

10. The Management strongly rely upon a Labour Ministry order dated 16-7-87 (annexure C to the Management's affidavit), rejecting the demand of the Union for treating Dehu Road as a separate station from Pune for the purposes of T.A. and D.A. The Order says that Dehu Road is part of Pune agglomeration and as such the Corporation was right in treating Dehu Road as part of Pune, for the purposes of T.A. and D.A. In the first place the order does not go beyond rejecting the Union's request for making a reference of the dispute under section 10 of the Industrial Disputes Act. Admittedly the question has not yet been subject matter of adjudication or arbitration as such. Then to say that Dehu Road is part of Pune agglomeration (a term borrowed from the Urban Land Ceiling Act) for the purposes of T.A. and D.A. is one thing, and to say that the two are one and the same station for transfer policy or other administrative contingencies, is an entirely different thing. There is little scope for confusion, if we have a look at the structure of F.C.I. units of station and District. F.C.I. districts are not co-extensive with Revenue Districts. There may be more than one Revenue District in a F.C.I. District, for example Pune District. Conversely there may be multiple districts in the same station. For example Bombay station. It has two

full-fledged F.C.I. districts of Borivali and Sewree. So far the purposes of T.A. and D.A., if some official from Borivali district travels to Sewree district, his case will be decided on the basis that he has not toured out of Bombay station. To cut the long short, the Labour Ministry's order relied upon by the Management does not help them to any extent.

11. For the aforesaid reasons, I am satisfied and hold that Dehu Road and Pune, which are admittedly 45 kms. away from each other, are separate stations for the purposes of transfer polcy and even for other administrtive purposes, except perhaps for T.A. and D.A.

12. This takes me to the question whether the two impugned orders are linked up with the question of winding up of the Dehu Depot and dispersal of the surplus staff at Pune. That the staff working at Dehu Road was brought to Pune in batches around March 1987 is not in dispute. Orders about this movement to Pune do not appear to have been passed in writing; at any rate they are not produced by the Management before me. In support of the two impugned orders, the Management plead that drought conditions were prevailing in the Sholapur and Ahmednagar revenue districts at the material time, and as such, guideline II(2) which covered normal transfers would apply. It is difficult to accept the validity of this submission. As it is, the transferred workmen were relieved from Pune only in January 1988, by which time the urgency for additional staff at Sholapur/Ahmednagar, even if it is assumed to be existing in August-September 1987, must have practically disappeared. The Association have filed annexure-C to their affidavit, which provides figures of sanctioned staff and the staff in actual position at Pune and Dehu Road. These statistics are not challenged by the Management. They show that after the Dehu Road staff was shifted to Pune, in April 1987 and thereafter, as against the sanctioned strength of 8 AG. II and 24 A.G. III staff, there were actually in position 16 A.G. II and 61 A.G. III staff at Pune. It is obvious that there was over-saturation of surplus staff at Pune after the winding up of the Dehu Road Depot. This bears out the Association's submission that the purpose of the two impugned orders was to disperse this surplus staff to Ahmednagar and Sholapur.

13. In view of the aforesaid findings, it follows that guideline II(1) shall squarely apply to the situation created by the Management by withdrawing the earlier order 29th July, 1987 and passing the two impugned orders. One cannot have any quarrel with the Management's proposition that the guidelines are only directly and not mandatory. All the same, I cannot overlook the plain position that the corporation are 'State' within the meaning of article 12 of the constitution, and as such, if their action is found arbitrary, it will be hit by article 14. To recall the facts the Management first passed the order dated 29th July, 1987 moving out of Pune, juniormost Workmen. Presumably this was in consonance with guideline II(1) and in fact the Association do not object to this order. This order was however not acceptable to the Union, who wrote a strong letter to the Senior Regional Manager, Maharashtra, Bombay on 31st July, 1987 (annexure 'B' to the Management's affidavit) threatening to go on indefinite fast, unless the Management withdrew the orders of 29th. The Management withdrew those orders under the impression, as they allege, that Dehu Road formed part of Pune Station. They thereafter issued the two impugned orders. The Association were not consulted at all at any stage before taking any of these actions. While I am not inclined to hold that the Management took these actions out of palpable bias against the Association, one cannot also justify their action as fair and not arbitrary. The Management not only failed to observe the relevant guideline No. II(1) without any justification, but actually enforced the two transfer orders, ignoring the advice of the Assistant Labour Commissioner, Pune not to disturb the status quo during the pendency of the conciliation proceeding before him.

14. For the reasons stated above, I am of the view that the Management's orders dated 27th August, 1987 and 1st September, 1987, transferring the seniormost AG-II and AG-III employees and Watchmen from Pune to Ahmednagar/ Sholapur were arbitrary and unjustified. The next question that poses itself is what consequential reliefs are the Work-

men entitled to. According to the Management they are not entitled to any relief, because they have been brought back to Pune in January-March 1989 at their own request. The Association deny that these transfers were made at Workmen's requests. There is absolutely no material on record to hold that the transfers were made at the request of the Workmen. They are thus clearly entitled to all transfer benefits, including T.A. and D.A., as may be admissible under the relevant rules. I have given serious thought to the further demand of the Association for a monthly compensation of Rs. 500 for their stay at Ahmednagar/Solapur, or their stay at those places being treated as tour on deputation. It is not at all difficult to comprehend the difficulties, financial and otherwise, which a workman under transfer from one big city like Pune to another big city like Ahmednagar/Solapur has to face. Originally, as late as 25-7-87, the Management were thinking of sending staff to Ahmednagar on deputation tour basis, vide letter Ex. W-13 dated 25-7-87, asking for willingness of staff. It is not explained why this move was suddenly dropped. I think that in the interests of the effective social justice, a direction should be given that the stay of the Workmen at Solapur/Ahmednagar, shall be treated as tour on deputation. I quantify the costs of each party at Rs. 2000 and direct the Management to bear costs of both sides.

15. The action of the Management in transferring the seniormost employees at Pune to Ahmednagar and Solapur under the orders dated 27th August, 1987 and 1st September, 1987 is held to be unjustified. The Management are directed to pay to the Workmen concerned TA/DA and other transfer benefits admissible under the relevant rules. The Workmen shall also be compensated for their stay at Ahmednagar/Solapur, as if they were on tour on deputation. The Management shall pay Rs. 2000 to the Association as costs and bear their own. The Management to pay the aforesaid dues of the Workmen within two months of the publication of this award by the Central Government. Award accordingly.

S. N. KHATRI, Presiding Officer
[No. L-42011/10/88-D.II(B)/D.IV(B)]

RAJALAL, Desk Officer

नई दिल्ली, 9 अक्टूबर, 1990

का.शा. 2795.—भारतीय विधान आधिकारिक, 1947 (1947 का 14) का धारा 17 के अनुसार जो, कर्मचार सरकार देना चाहे के प्रबन्धनात्मक के संबंध नियंत्रकों और उनके सहकारी के बीच अवश्यम नियंत्रित भारतीय विधान आधिकारिक प्रबन्धन हैंदराबाद के पंचपट की प्रकाशित तरह है, जो कर्मचार सरकार का 1-10-90 को प्राप्त हुआ था।

New Delhi, the 9th October, 1990

S.O. 2795.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the annexure in the Industrial dispute between the employers in relation to the Dena Bank and their workmen, which was received by the Central Government on 1-10-90.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

Dated, the 10th September, 1990

Industrial Dispute No. 44 of 1985

BETWEEN

The workman of the Dena Bank, Madras.

ANL

The Management of Dena Bank, Madras.

Appearances :

Sri D. S. R. Varma and Sri S. S. Varma, Counsel for the Workman.

Sarvasri B. K. Seshu and M. Narahari, Counsels for the Management.

AWARD

The Government of India, Ministry of Labour by its Order No. L-12012/139/83-D. II(A) dated 12th June, 1985 referred the following dispute under Section 10(1)(d) & (2A) of the Industrial Dispute Act, 1947 between the employers in relation to the management of Dena Bank and their workman to this Tribunal for adjudication;

"Whether the action of the management of Dena Bank, Madras in relation to their Dharmaram Branch in awarding the punishment of withdrawal of special allowance with effect from 2-7-77 and discharge from service with effect from 2-7-79 to Shri M. Narsinga Rao, Typist-cum-Clerk is justified ? If not, to what relief is the workman concerned entitled ?"

This reference was registered as Industrial Dispute No. 44 of 1985 and notices were issued to the parties.

2. The claim statement was filed by the workman Sri M. Narsinga Rao herein that he was appointed as Typist-cum-Clerk in 1975 and he was transferred from Hyderabad to Dharmaram Branch, Nizamabad and he was in service till June, 1979. In fact by that time he was promoted as Chief Cashier he was an influenced worker of the Bank. A charge sheet was issued dt. 3-1-1978 against him and the Respondent Bank finally obtained a reply from him to their dictation and later on an Enquiry Officer was appointed he recorded the statement and without examining any witnesses, abruptly closed his proceedings and submitted his findings. He did not conduct the enquiry in accordance with law, the Management obtained a letter from him under duress, that if he accepts the guilt, he would be continued in service like that of other employees, namely, Sri B. P. Singh, Clerk of Patna Branch, Stanley Prabhakar of Goa Branch and S. R. Patel, Accountant of Nampally Branch etc. But later on he came to know that he was removed from service. The order of discharge is shockingly disproportionate to the alleged misconduct, if any, committed by the workman in question and hence it is requested that the order of discharge or removal may be set aside.

3. A counter was filed on behalf of the Management denying all these things and stating that the Petitioner workman has confessed his guilt illegally withdrawing a total sum of Rs. 2,800.00 from the Bank. A domestic enquiry was conducted and there also the Petitioner workman admitted his guilt. Thereupon Enquiry Officer submitted his findings and accepting the finding, punishment was imposed on the petitioner-workman. The punishment was awarded taking into consideration the gravity of the offences viz., fraud and dishonesty which are very serious mis-

conducts, and requested that the action of the Management may be upheld.

4. One of my learned predecessors heard about the validity of domestic enquiry and passed orders dt. 21-10-1986 holding that the domestic enquiry held as proper, observing all the principles of natural justice. After hearing the matter finally, an award was also passed on 16-1-1987 ordering that he is entitled for the relief of reinstatement without back wages and also the Management is not justified in withholding the special allowance from 2-7-1977.

5. The Management filed Writ Petition W. P. No. 8483 of 1987, a Single Judge of our High Court quashed the Award and allowed and thus Writ Petition restored the punishment awarded in the appeal confirming the punishment imposed by the Primary Authority in the domestic enquiry and it was passed on 13-12-1989. Thereupon the petitioner-workman preferred a Writ Appeal No. 73 of 1990 and it was disposed off by the High Court on 27-6-1990. There the High Court remanded the matter to this Tribunal, asking it to consider the matter de novo and reach its own conclusion whether and to what extent the order of discharge needs interference. So also the order of this Tribunal about the withdrawal of Special Allowance was also found to be unjustified. Hence this matter now came for consideration before this Tribunal and both parties advanced arguments.

6. It is evident now the matter is to be considered de novo. There are two aspects referred, one is withdrawal of special allowance from 2-7-1977 and the second is discharged from service w.e.f. 2-7-1979. Evidently these two are not connected. The charge sheet issued deals with only some amounts that were allegedly misappropriated etc. But the charge sheet is no way concerned with the withdrawal of special allowance from 2-7-1977. Even at the time of domestic enquiry, there is nothing about this withdrawal of Special Allowances. A perusal of the enquiry proceedings (Ex. M5) indicate that they have examined one Nicholas, an account holder, and Ramulu were examined. Nicholas did not speak about withdrawal of Special Allowance and it is not the subject matter of the charge sheet Ex. M1. There was no oral evidence adduced on either side.

7. Even in the claim statement filed it was simply mentioned that the Respondent noticed certain alleged irregularities, ordered for withdrawal of special allowance which was being paid at Rs. 85.00 per month and also discharged Sri Narsing Rao from service.' Even the withdrawing of special allowance order was not filed and marked on behalf of the workman. It was replied in the counter that 'consequence on his transfer from the cash department other department, the special allowance which the workman was receiving while in the Cash Department was automatically withdrawn". Both the petitioner-workman as well as the Management were silent about the dates when he was transferred from Cash Department to other department etc. In these circumstances, it can be safely stated that the action of the Management cannot be found fault with. No other evidence was adduced by the workman. Hence this aspect is found in favour of the Management.

8. The second limb of the reference is dismissal from service. As far as the material that was placed before this Tribunal Ex. M3 is the earliest document dt. 1-7-1977. It is a letter addressed by the workman in question, and it was written in response to a complaint of the account holder. In this letter the workman categorically stated that he was "suffering from mental agony and was unable to repay my heavy commitments created before joining Bank. My ancestral property was mortgaged at Hyderabad the money lender threatened us that if the loan is not repaid within the stipulated time the property will be confiscated or auctioned." Hence he also stated that on 27-6-1977 he committed certain irregularities. He also stated "due to heavy financial debts I have committed mistake and request you humbly to pardon me since I am coming from a very poor family.

9. The charge sheet was issued on 3-1-1978 that is after five months. For this charge sheet also, there was an explanation Ex. M4 dt. 18-1-1978. Here also he categorically stated that he is coming from a very poor scheduled caste family with very meagre income. He got three children and aged parents for whom he was the only supporter in his house in which his parents stay at Hyderabad was mortgaged etc., and "I appeal to you Sir, for mercy & assure you that in future I shall not do anything which will harm our institution for which I work". The enquiry proceedings were commenced on 27-11-1988 and he was defended by representative one by Prithivraj, General Secretary of the Union. Thus, the validity of the domestic enquiry was not challenged, and the findings were there and the punishment awarded was there and now the only question to be considered is whether the punishment is commensurate with the approved misconduct of the worker in question or not.

10. As per Section 11-A of the Industrial Dispute Act indicates, if the Tribunal wants to proceed under that Section, it shall rely only on the material on record and shall not take any fresh evidence in relation to that matter. This Tribunal is also entitled to award lesser punishment in lieu of discharge or dismissal, if the circumstances of the case require.

11. Of course in this connection the learned Advocate for the Management placed reliance on the decision in TIKA RAM & SONS v. THEIR WORKMEN (1960(I) ILJ, Page 514). Here the main question that fell for consideration was the reference of the dispute itself was not competent as it was only an individual dispute and the Supreme Court said as it was not raised before the Tribunal below permission to raise such contention for the first time before the supreme Court, is not granted." Evidently this is not relevant for us.

12. On the other hand, the learned Advocate for the Workmen placed reliance on SRI GANESH ALLUMINIUM FACTORY v. INDUSTRIAL TRIBUNAL, MADRAS (1982(I)LLJ, page 159), a judgement of the Madras High Court. Here Section 11A of the I.D. Act was considered and it was held that the Tribunal has got every jurisdiction to award lesser punishment even of the misconduct is

held to be proved. Reliance was also placed in A.P.S.R.T.C. v. ADDL. LABOUR COURT CUM INDUSTRIAL Tribunal (1984)(I)LLJ, page 128). A judgment of our own High Court here also it was held that even in the case where the Tribunal upheld the findings of the misconduct recorded by the Management at the domestic enquiry, the Tribunal can interfere with the punishment awarded by the Management and alter the same. It was cautioned that the discretion should not be exercised in an arbitrary manner but it should be exercised in a judicial and judicious manner & the Tribunal must take into consideration all the relevant facts and factors and can interfere with the punishment imposed by the Management only when it come to the conclusion that the punishment imposed is extremely harsh and unjust and wholly disproportionate to the misconduct proved etc., A perusal of the facts here indicate that a conductor was removed from service after domestic enquiry for his failure to collect fare and issue tickets etc., and the Labour Tribunal ordered reinstatement into service with continuity of service, 75 per cent of back wages. Thereupon R.T.C. went in appeal. But the Writ Petition was dismissed and the orders of the Labour Court were upheld. Lastly reliance was placed on SCOOTER INDIA LTD. v. LABOUR COURT, LUCKNOW (AIR 1989 S.C. page 149). Here also it was mentioned once again that even if the disciplinary enquiry is fair and lawful and even if the findings are not vitiated interference and reinstatement by the Labour Court, even then it is not illegal. Thus it can be said that there is no fetters on the discretion vested in this Tribunal but it is expected to act in a judicia' and judicious manner.

13. Bearing this principle in mind, if we analyse the matter, even before issuing of the charge sheet or even the charge memo the moment this thing happened on 27-6-1977, within four days the workman came forward with a clear admission and he prayed for condoning his mistake. Evidently as per his own admission Ex.M3 he misappropriated Rs. 2,000.00 on 27-6-1977 but got partly and "I therefore brought the cash of Rs. 2,000.00 on 1-7-1977 from the house and threw the same behind the wooden box." Thus the workman himself was the first informant of the fraud committed by him. The charge sheet Ex.M1 was issued after six months. Even then, he did not change his mind and came out frankly in Ex.M4, admitting all these things. Evidently this occurred more than 11 years back (dismissal order dt. 22-6-1979). The dismissal order passed more than 11 years back and the actual things occurred more than 19 years back than 19 years back. Evidently he was more than enough punished and dismissal from service is too harsh a punishment that can be imposed by taking the time lag into consideration.

14. Hence the action of the management of Dena Bank, Madras in relation to their Dharmaram Branch in withdrawing the special allowance to the workman with effect from 2-7-1977 is justified. But discharge from service with effect from 2-7-1979 of Sri M. Narasing Rao, Tynist-cum-Clerk is not justified and immediate reinstatement of the workman into service but without any back wages, with continuity of ser-

vice only for pay scale purposes (but not for seniority making him eligible for promotions) is hereby ordered.

Award is passed accordingly.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 10th day of September, 1990.

SRI K. TARANADH, Industrial Tribunal.

[No. L-12012/139/83-D.II(B)]

APPENDIX OF EVIDENCE

Witnesses Examined
for the Management

NIL

Witnesses Examined
for the Workmen

NIL

Documents marked for the Management by content.

Ex.M1 Charge Sheet dt. 3-1-78 issued to M. Narasing Rao by the Regional Manager, Dena Bank, Bangalore.

Ex.M2 Photostat copy of the letter dt. 30-11-78 addressed by the Defence representative of the workman to the enquiry officer during the domestic enquiry conducted by the Management against the workman.

Ex.M3 Photostat copy of the letter dt. 1-7-1977 addressed to the Branch Manager, Dena Bank, Dharmaram by M. Narasing Rao.

Ex.M4 Photostat copy of the explanation dt. 18-1-78 submitted by M. Narasing Rao to the Regional Manager, Dena Bank.

Ex.M5 Photostat copy of the proceedings of domestic enquiry dt. 27-11-78.

Ex.M6 Photostat copy of the findings of Enquiry Officer.

Ex.M7 Photostat copy of the memorandum of discharge order dt. 22-6-77 issued to M. Narasing Rao by the Personnel Manager, Dena Bank, Bombay.

Document marked for the Workmen :

Ex. W1/Bv consent—Representation dt. 11-2-83 made by the General Secretary, Dena Bank Employees Union (A.P.) Hyderabad to the Asstt. Labour Commissioner(C), Hyderabad.

Ex.W2/Bv consent—Minutes of Conciliation Proceedings held on 24-3-83.

नई दिल्ली, 10 प्रस्तुति, 1990

का. आ. 2796.—श्रीधोपिक विषाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रत्युत्तर में केन्द्रीय सरकार न्यू इंडिया अध्ययन सम्पन्नी लि. के प्रबन्धालंक के संबंध नियोजितों और उनके कर्मचारों के बीच अन्तर्वाच में निर्विट श्रीधोपिक विषाद में केन्द्रीय सरकार श्रीधोपिक अधिकारण, वंदेर संघरा के पंचतट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-10-90 को प्राप्त हुआ।

New Delhi, the 10th October, 1990

S.O. 2796.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay No. 1 as shown in the Annexure in the Industrial Dispute between the employers in relation to the New India Assurance Company Ltd. and their workmen, which was received by the Central Government on 5-10-1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

(Presiding Officer : Justice S. N. Khatri)

Reference No. CGIT-18 of 1990

PARTIES :

Employers in relation to the management of New India Assurance Company Ltd.

AND

Their workmen.

APPEARANCES :

For the Management.—Shri S. V. Mokashi.

For the Workman.—Shri Ganacharya, Secretary of G.I.E.U., Western Zone.

INDUSTRY : Insurance STATE : Mahaashtra
Bombay, the 25th day of September, 1990

AWARD

The Central Government has referred the following Industrial Dispute to this Tribunal for adjudication under section 10 of the Industrial Disputes Act, 1947 :

"Whether the action of the management of New India Assurance Company Ltd., in terminating the services of Shri Vinaykumar P. Walale, Clerk w.e.f. 14th July 1987 in violation of section 25-F of the Industrial Dispute Act, 1947 is justified. If not, what relief the concerned workman is entitled to?"

2. Today when the case was called out for final hearing, both sides filed terms of settlement and requested for an award in these terms. Shri Ganacharya, Secretary of the General Insurance Employees Union, Western Zone, Bombay, which union is espousing the cause of Workman Walale, states that the terms have been consented to by the latter. I am satisfied that the settlement is fair to the workman and conducive to the promotion of industrial peace. Accordingly I accept the same and make this award in terms thereof, which forms part of this award as annexure 'A'.

S. N. KHATRI, Presiding Officer
[No. L-17011|56|89-IR B(I)]

ANNEXURE 'A'

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY Reference No. CGIT-18 of 1990

Employers in relation to the management of the New India Assurance Company Limited.

AND

Its workmen.

MAY IT PLEASE THIS HONOURABLE TRIBUNAL

The parties above named have reached the following settlement in the above said matter and pray that an Award be made in terms thereof :

TERMS OF SETTLEMENT

Without prejudice to the respective contention of the parties, as a very special case and without being quoted as a precedent, the Company agrees to employ Shri V. P. Walale with effect from 1st October 1990 on the following terms and conditions :

- (1) That the said Shri V. P. Walale will be placed on Probation for a period of Six months and after satisfactory completion of the period of Probation he will be confirmed in the Service as an Assistant (Clerical) subject to Medical fitness.
- (2) That the said Shri V. P. Walale will be issued a standard appointment letter on the date of his joining the Service of the Company.
- (3) That the said Shri V. P. Walale shall not be entitled to any wages or benefits for the past period from the date of cessation of contract till date of his employment with the Company.
- (4) That the place of posting of Shri V. P. Walale shall be decided by the Management.

For New India Assurance Company Limited

Secretary

GIEU

For the workmen

F. R. HEREDIA, Asst. General Manager
Bombay · 25-9-1990.

का. ग्रा 2797. —प्रौद्योगिक विवाद प्रधिनियम, 1947 (1947 का 14) की भारा 17 के अनुसार में केंद्रीय सरकार द्वारा हादात फैस के प्रबन्धालंक के मंड़त विधोलक्षण भीत उनके कर्मकारों के सीधे, अमंत्रों में निर्वाचित प्रौद्योगिक विवाद में केंद्रीय सरकार प्रौद्योगिक शिक्षण कालार के पक्षण को प्रकाशित करना। इ. ओ. ऐचोय मरकार द्वे 1-10-90 को प्रत्यक्ष हमा या।

S.O. 2797.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial dispute between the employers in relation to the Allahabad Bank and their workmen, which was received by the Central Government on 4-10-90.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER CENTRAL GOVERNMENT INDUS- TRIAL CUM LABOUR COURT, PANDU NAGAR. KANPUR

Industrial Dispute No. 9 of 1988

In the matter of dispute between :

Shri O. P. Tondon,
C/o. Sh. R. K. Pandey,
67/99 Lalkuan Lucknow,

AND

The Regional Manager,
Allahabad Bank,
Regional Office,
Hazaratganj Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. I-12012/233/87-D.II(A) dt. 12-2-88 has referred the following dispute for adjudication to this Tribunal :

Whether the Regional Manager, Allahabad Bank, Lucknow was justified in terminating the services of Shri O. P. Tondon w.e.f. 7-2-79 in violation of Sec. 25F of the I.D. Act and giving him a fresh appointment showing artificial break in service and not giving continuity and back wages ? If not, to what relief is the workman entitled ?

2. The workman's case in brief is that he was appointed against a permanent vacancy on 16-11-73 in the sub cadre at Lucknow Branch of the Allahabad Bank and continued to work as such with artificial breaks upto 7-2-79. During 7-2-78 to 7-2-79 he had worked for 286 days as per details given in para 2 of the claim statement. He alleges that w.e.f. 8-2-79 his services were terminated without compliance of the provisions of Sec. 25F I.D. Act. However, he was given a fresh appointment as a regular neon cum Farrash vide appointment letter dt. 22-1-79 with the stipulation that he would have to give proof of the fact that prior to joining there had been a break in his service of 16 days. According to him the said clause in the appointment letter was introduced with malafide intention in order to deprive him of the benefits of continuity in service in terms of para 20.8 of the First Bipartite Settlement. He requested the bank management for condoning the artificial breaks which had been given by the bank with malafide intention from time to time and to allow him continuity of service, back wages, annual increments, arrears of P.F. and bonus etc., for the purposes of gratuity but in vain. He had not been allowed any increment

during the period 26-11-73 to 7-2-79. He has, therefore, prayed that the reference be answered in his favour.

3. In the beginning the management filed a preliminary objection. The management pleaded that consequent upon the settlement, dt. 4-3-78, arrived at between the management bank and All India Allahabad Bank Employees Coordination Committee, the workman was absorbed in the permanent cadre in sub staff as Peon cum Farrash on 24-2-79 and was posted at Branch office City Lucknow. Much after his absorption in the permanent service of the Bank he moved a petition under I.D. Act on 13-10-86 under Sec. 2A of the Act, before the ALC (C) Lucknow alleging that his services had been illegally terminated w.e.f. 8-2-79. The workman being already in the permanent employment of the bank, his petition under Sec. 2-A I.D. Act, was not maintainable. This being so, the Central Government was not competent to make such a reference under Sec. 2-A of the Act. When the workman in pursuance of the aforesaid settlement has gained benefit, the reference order is bad in law.

4. The preliminary objection was over-ruled by means of order dt. 18-7-88. I may state here that against the preliminary objection, the workman filed objection. It was alleged by him that he had not been given benefit on the basis of any such settlement. The said settlement did not exclude the grant of relief of predating.

5. In their written statement, the management plead that during the period 26-11-73 to 7-2-79, the workman was engaged temporarily/casually in connection with casual nature of work. The details of such temporary engagements are given in annexure I to the written statement. The management deny that the workman was given any artificial break. He was never engaged during the said period against any permanent vacancy. The management further plead that the fact that during the period of 12 months preceding 8-2-79, the workman had worked for more than 240 days is quite irrelevant in as much as thereafter he was absorbed permanently in the service of the bank as Peon cum Farrash on 24-2-79 under settlement dt. 4-3-78. The stipulation to which the workman has referred is unauthorised and for the said act the bank is not at all responsible. Since he had been given permanent benefit, the question of compliance of Sec. 25F I.D. Act did not arise in his case. Even para 20.8 of the first bipartite settlement is not attracted in his case. He is not entitled to predating of his appointment. It was declined in view of settlement dt. 27-1-75, 23-5-77 and 31-3-79 on predating with the recognised Union. The workman has been a member of the said Union since 1979. Hence, it is illegal to entertain such a dispute without the Union being a party to it.

6. In his rejoinder all that has been alleged is that his temporary period of employment may be counted as service with all consequential benefits.

7. In support of their respective cases both sides have led oral as well as documentary evidence.

8. In view of the reference, the first thing to be seen in this case is whether the services of the workman Shri O. P. Tendon were terminated in violation of the provisions of section 25 I.D. Act. The case set up by the workman is that during the period of 12 months preceding 7-2-79 he had worked for 286 days. In pursuance of what has been pleaded is that the contention of the workman that he had completed more than 240 days of continuous service during the said period is absolutely irrelevant as thereafter he was absorbed permanently in the service of the bank as Peon cum Farrash on 24-2-79 under settlement dt. 4-3-77. In para 2 of the written statement, the management has pleaded that the details of working days during the period 26-11-73 to 7-2-79 are given in annexure I to the written statement. In Annexure I details are given only in respect of the period 26-11-73 to 31-12-78. From these details it appears that from 7-2-78 upto 31-12-78 the workman had worked for 237 days. Since there is no specific denial with regard to the period of working after 31-12-78 as shown by the workman in para 2 of his claim statement, it will be treated as if it is admitted to the management that the workman had continuously worked from 1-1-79. If the above number of days already admitted by the management are added to the days of working the total number of working days would come to 277. Since the workman has included 7-2-79 as a working day, the counting of the period of one year prior to the date of termination will have to be taken from 8-2-79 meaning thereby that according to the management, during the period of 12 months preceding the date of 12 calendar months, the workman had worked for 276 days. In other words, it stands admitted even to the management that the workman had worked for more than 240 days during the said period of 12 months.

9. The question which arises is whether his services were terminated by the management after 7-2-79 as alleged by the workman or he himself had left the service in view of appointment letter dt. 22-1-79, copy of which is annexure W-1. Ext. W-1 is annexure II to the claim statement of the workman. By means of it he was given permanent appointment as Peon cum Farrash on a probation of six months with the stipulation that if he had been working in any branch of the Allahabad Bank, he would have to give proof of the fact that there had been a break of service of 16 days before joining. In para 4 of the written statement it has been pleaded by the management that the said stipulation in the appointment letter was unauthorised and for the said act of the official who issued the appointment letter the bank is not at all responsible.

10. Thus from the above it appears that before the alleged termination of his services, the workman had been issued a letter of permanent appointment for the post of peon cum farrash with the above said stipulation which is now alleged by the management bank as unauthorised.

11. The defence of the management is that on the basis of appointment letter the workman joined as Peon cum Farrash on 24-2-79. This fact has been corroborated by the management witness Shri S. K. Malviya by means of his affidavit. There has been

no cross examination of the management witness on this point. This fact has even not been specifically denied by the workman in his first rejoinder and the second rejoinder. There is nothing on record to show that the workman even raised any objection against the said stipulation. The question is whether in these circumstances, the bank could have terminated the services of the workman or the workman should have left the job of temporary appointment of his own accord. Having not taken any objection to the said unauthorised stipulation, presumption would be that in order to fulfil the condition the workman would have himself left the job. So to my mind the question of termination of the services of the workman does not arise at all. If it were so the question of compliance of the provisions of Sec. 25F I.D. Act does not arise.

12. Let us examine the point from another angle and assume for the sake of arguments that his services had been terminated by the bank without compliance of section 25F I.D. Act. From the pleadings of the parties it is evident that before the termination of his services he had been issued a letter regarding his permanent appointment on 22-1-79 and in pursuance of it he joined on 24-2-79. In their preliminary objection filed against the claim statement the management pleaded that much after his permanent absorption, in the bank service the workman moved a petition under Sec. 2(k) I.D. Act on 13-10-86 before the ALC (C). Lucknow, alleging that his services had been illegally terminated on 8-2-79. With the preliminary objection the management filed the copy of the said petition of the workman. Since the said fact has not been specifically denied by the workman in the rejoinder filed against the preliminary objection and in his subsequent rejoinder, the fact alleged by the management would be deemed to have been admitted by him. It means that after joining permanent service of the bank on 24-2-79, he raised the present dispute as late as on 13-10-86. His silence for such a long period amounted to his having acquiesced in the order of termination of his services w.e.f. 8-2-79. Further on account of his having joined the service of the bank as permanent peon cum farrash on 24-2-79, in pursuance of the letter of appointment dt. 22-1-79 he would be deemed to have waived his right which had accrued to him on account of non compliance of Sec. 25F I.D. Act by the management bank.

13. For this I refer to the ruling in the case of Chandra Deep Paswan Versus Chairman Allahabad Bank 1983 PLJR 161 (DB). It was a case where petitioner No. 1 was first appointed temporarily as peon cum farrash on 1-2-78 and after he had worked for 286 days in that year his services were terminated. He was again reemployed after about a year on 4-12-79, but his services were again terminated on 15-5-80 after he had worked for about 87 days. Petitioner No. 3 was similarly appointed as peon cum farrash on 5-1-76. His services were also terminated in a similar manner. He was reemployed from time to time serving 157 days in 1976, 181 days in 1977, 246 days in 1978, 136 days in 1979 and 63 days in 1980. The argument addressed on their behalf was that they having worked continuously for more than 240 days their services could not be termi-

nated without complying with the provisions of Sec. 25F, I.D. Act. It was held that the ground could not be pressed into service on behalf of these petitioners for various reasons. Firstly they have not challenged the respective orders of termination, of the year 1978, they were challenging their termination some time in the month of May 1980. Even assuming for the sake of arguments that they had challenged the said orders, they having accepted the re-employment in the bank in the year 1979, the ground of attack on this score disappears on account of acceptance of reemployment on applying the principle of waiver. In the present case what to say of temporary appointment the workman was given permanent appointment as peon-cum-farrash before 8-2-79. Therefore, the principle of Waiver applies in his case and he is debarred from challenging the order of termination on the ground of non-compliance of the provisions of section 25F I.D. Act.

13. Now I come to the second part of the reference order which is whether the action of the management in giving him fresh appointment showing artificial break in service and not giving continuity and back wages is justified.

14. We have seen above that while he was temporary peon-cum-farrash he was issued an appointment letter for his permanent posting as Peon-cum-Farrash on 22-1-79. One of the conditions was that before joining he should have a break of 16 days in service if he had been working in any branch of the bank we have further seen that according to the management, the officer who imposed this condition was not authorised to do so and that by this act of the officer, the bank is not bound. Had there been no such condition, the workman would have continued in service, meaning thereby that on 8-2-1979, he would have been in the permanent service of the bank as Peon-cum-Farrash on the basis of appointment letter. Since the management themselves have treated this condition as illegal, the workman must get the benefit of these 16 days service for in the absence of any such stipulation he would have got the job.

15. The management's further case is that the workman was given appointment on the basis of settlement dt. 4-3-78 arrived at between the management bank and All India Allahabad Bank Employees Coordination Committee. The management witness has filed with his affidavit copy of minutes of meeting between the representatives of the management of Allahabad Bank & those of the said Coordination Committee. Besides copy of memorandum of settlement dt. 21-3-79, and copy of Bank's circular no. STAFF/4/18/23/1091 Calcutta dt. 8-5-78. Let us consider these documents.

16. I may state here that during the course of arguments it was submitted by Shri R. K. Pandey the authorised representative for the workman that he was admitting all the documents filed as annexures by the management witness with his affidavit. While preparing the case I have found that on these documents he simply put his signatures with wrong date without mentioning whether he admitted or denied these documents. The date was 31-8-90 but below his signatures on these documents

he put the date as 30-8-1990. There was no such date during the proceedings of this case. This was not fair on his part. Without specifically writing the word Admitted or Not Admitted his signatures carry no meaning. Since statement was made at the bar by him that he was admitting these documents I take the documents as admitted. Even otherwise the documents have been proved by the management witness by means of his affidavit and there has been no cross of these documents.

17. Annexure 2 is the copy of minutes of meeting between the representatives of the management of Allahabad Bank and those of Employees Coordination Committee held on 23-12-77 at New Delhi and on 27th, 28th February 1978 at Calcutta. At pages 5 and 6 the matter regarding the absorption of temporary sub-staff has been considered. The temporary sub-staff was divided into three classes, one being of those who had worked for 600 days or more from 1-12-70 to 31-12-77, second being those who had worked for 240 days in any 12 calendar months from 1-12-70 to 31-12-77 and third being of those who had worked for 120 days and above. About the first class of persons it was agreed that in their regard a panel would be prepared for their permanent appointment without looking into the norms of qualifications and minimum age. However, they should be given effect at the time of their permanent appointment. In respect of the second class of persons it was agreed that they would also be taken in permanent appointment provided they fulfilled the requisite educations and prescribed age at the time of commencement of their temporary employment besides being medically fit.

18. Annexure III is the copy of memorandum of settlement dt. 21-3-79 between the above said two parties. It was agreed that the appointment of permanent members of award staff would be predicated in terms of agreement already arrived at between the parties on 27th January, 1975 and 23rd May 1977.

19. Annexure IV is the copy of circular dt. 8-5-78 referred to above. It lays down that permanent members of award staff who worked for a continuous period against temporary vacancies with intermittent breaks will be considered for having their appointments predicated ignoring the breaks in service not exceeding 15 days at a time. It was made clear that the appointment may be predicated to such date wherefrom there was no break in service not exceeding 15 days at a time till the concerned employees had been absorbed in permanent vacancies.

20. Now let us examine the case of the workman. I have already treated 16 days break to which the workman was subjected by the management of the bank by means of appointment letter as no break in service.

21. From the statement of working days given by the workman in para 2 of his claim statement and from the statement of working days annexure I to the affidavit of the management witness it appears that after 24-11-78, he was given appointment on 12-12-78 i.e. after 17 days. From 12-12-78 he worked continuously upto 27th December and then work-

ed continuously from 30th December, 1978 onwards. So in terms of circular dt. 8-5-78, copy annexure IV to the affidavit of the management witness, the workman can claim predating only from 12-12-78 and not before that. So he can claim continuity of service w.e.f. 12-12-78, but without wages for the period during which he had not worked during the period 12-12-1978 to 24-2-1979.

22. Hence, on the second point I hold that the workman is entitled to predating i.e. continuously of service w.e.f. 12-12-1978.

23. Hence it is held that the services of the workman were not terminated w.e.f. 7-2-79 (AF) in violation of Sec. 25F I.D. Act and in the alternative it is held that on account of acquiescence and waiver he is not entitled to challenge the management's order of termination as in violation of sec. 25 I.D. Act. Further held that he is entitled to predating i.e. continuity of service w.e.f. 12-12-78 but with no back wages for the period of breaks falling between the period 12-12-78 to 24-2-1979.

24. The reference is answered accordingly.

ARJAN DEV, Presiding Officer
[No. L-12012/233/87-D.II(A)]

V. K. VENUGOPALAN, Desk Officer

नई दिल्ली, 10 अक्टूबर, 1990

का. प्रा. 2798 —कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) का धारा-1 की उपधारा (3) द्वारा प्रत्येक शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एन्ड डब्ल्यूआर 16-10-90 को उस तारीख के दूप से नियत करता है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपर्यन्थ राजस्वान् राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात्—

जिला भीर तहसील भरकुपुर में यूनि ग्रामीणिक क्षेत्र (रीका ओष्ठोग्री क्षेत्र) और राजस्व ग्राम जर्जाना के प्रस्तावना आने वाले क्षेत्र

[संख्या एस 38013/2/90 एम एस. J]

ए. के. भट्टराई, अध्यक्ष सचिव

New Delhi, the 10th October, 1990

S.O. 2798.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 16th October, 1990 as the date on which the provisions of Chapter IV (except sections 44 and 45 which already been brought into force) and Chapters V and VI (except sub-section (1) of sections 76 and 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Rajasthan, namely :—

"The areas within the Brij Industrial Area (Ricco Industrial area) and Revenue Village-Jaghina in Tehsil and District Bharatpur."

[No. S-38013/21/90-SS/I]

A. K. BHATTARAI, Under Secy.

नई दिल्ली 11 अक्टूबर, 1990

का. प्रा. 2799 —भारतीय विदेश अधिनियम, 1947 (1947 का 14) का धारा 17 के प्रत्युमण में, केन्द्रीय सरकार द्वारा भी सो प्रत का हना कामकारी के प्रबन्धताल ने भवद्व नियोगके अंतर उनके कर्मकारी के बच, इन्हें भवद्व में निवाट अर्थात् विवाद में केन्द्रीय सरकार ग्रामीणिक अधिकरण सू. 2 घनवाद के प्रवापट को प्रवापित करता है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

New Delhi, the 11th October, 1990

S.O. 2799.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2 Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Ena Colliery of M/s Bharat Coking Coal Limited and their workmen, which was received by the Central Government.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

REFERENCE NO. 78 OF 1985

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Ena Colliery of Messrs, Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Shri S. Bose, Secretary, R.C.M.S Dhanbad.

On behalf of the employers—Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 19th September, 1990

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(61)85-D.III'A), dated the 29th May, 1985.

SCHEDULE

"Whether the action of the management of Ena Colliery of M/s. Bharat Coking Coal Limited in retiring from service Shri S. P. Roy, Underground Munshi from 1-7-84 without getting his age assessed by Medical Board was justified ? If not, to what relief is this workman entitled ?"

In this case both the parties did not file their respective W.S. But subsequently they appeared before me and filed a statement petition wherein it is stated that the concerned workman has already

accepted his superannuation with effect from 1-7-84 on the basis of the date of birth recorded in Form B Register and I.D. Card register as 1-7-1924. It is further stated that the union is also satisfied that the date of birth recorded in Form B Register and I.D. Card register in respect of the concerned workman is genuine and correct. On the above fact, it has been prayed on behalf of both the parties that a "no dispute" Award be passed in this case.

In view of the fact that the concerned workman and his union have accepted that the age of the concerned workman was correctly recorded in Form B Register as 1-7-1924, the retirement of the concerned workman with effect from 1-7-1984 on the basis of the said date of birth appears to be justified.

In the result, it is held that the action of the management of Ena Colliery of M/s. B. C.C.L. in retiring from service the concerned workman Shri S. P. Roy from 1-7-1984 without getting his age assessed by Medical Board is justified and accordingly he is entitled to no relief.

I. N. SINHA, Presiding Officer
[No. L-20012(61) | 85-D.III(A)IR(Coal I)]

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, AT DHANBAD

Reference Case No. 78/85

Employers in relation to the management of Ena Colliery.

AND

Their workmen.

Petition of compromise for "No dispute Award"

The humble petition on behalf of the parties to the above reference most respectfully sweth :—

1. That the Central Govt. by notification No. L-20012(61) | 85-D.III (A) dated 14-3-1985 has been pleased to refer the present case to the Hon'ble Tribunal for adjudication on the issue contained in the Schedule of reference which is reproduced below :—

SCHEDULE

"Whether the action of the management of Ena Colliery of M/s. Bharat Coking Coal Limited in retiring from service Sri S. P. Roy, underground Munshi, from 1-7-84 without getting his age assessed by Medical Board was justified? If not, to what relief is this workmen entitled?"

2. That the concerned workmen has already accepted his Superannuation with effect from 1-7-84 on the basis of the date of birth recorded in Form 'B' Register and I.D. Card registered as 1-7-1924. The union is also satisfied that the date of birth recorded

in Form 'B' Register and I.D. Card, registered in respect of the concerned workmen is genuine and correct.

Under the facts and circumstances it is humbly prayed that, "NO DISPUTE AWARD" may kindly be passed in this case.

For the workmen.

1. Sd/- Illegible

2.

Witnesses

1. Sd/- Illegible

2.

For the employers.

Sd/-

1. Illegible

2. Illegible

By

Sd/- Illegible

5-6-90

का० अ० 2800— भौद्योगिक विवाद अधिनियम 1947 (1947 का 14) को धारा 17 के अनुसरण में, केंद्रीय सरकार, भौद्योगिक कोष नि. की स्थिति नहाल कोल्यारी के प्रवर्षतांत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, मनुब्रेच में लिखित भौद्योगिक विवाद में केंद्रीय सरकार भौद्योगिक इधिकरण, (मं. 2) घनबाब के पंचाट को प्रकृशित करता है, जो केंद्रीय सरकार को का ग्राह कुमा था।

S.O. 2800.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2 Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Simla Bahal Colliery of M/s. Bharat Coking Coal Limited and their workmen which was received by the Central Government.

ANNEXURE

BEFORE HE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

Reference No. 67 of 1986

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Simiabhal Colliery of Kusunda Area No. VIII of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen : Shri S. Bose, Secretary,
R. C. M. S. Dhanbad.

On behalf of the employers : Shri B. Joshi, Adv.

STATE : Bihar.

INDUSTRY : Coal

Dated, Dhanbad, the 19th September, 1990.

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1) (d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(262)85-D. III(A), dated, the 23rd January, 1986.

SCHEDULE

"Whether the action of the management of Simlabahal Colliery of Kustore Area VIII of M/s. Bharat Coking Coal Limited, P.O. Kustore, District Dhabad in dismissing their workman, Shri Arjun Paswan from service with effect from 30-1-1985, is justified ? If not, to what relief the concerned workman is entitled ?"

In this case instead of filing W.S. both the parties appeared before me and filed a petition of compromise. I heard both the parties on the said petition of compromise and do find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the said petition of compromise and pass an Award in terms of the petition of compromise which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer

[No. L-20012|262|85-D. III(A)|IR(Coal-I)]

ANNEXURE

BEFORE THE PRESIDING OFFICERS, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD.

Reference No. 67/86

Employers in relation to the management of Simlabahal Colliery.

AND

Their workman.

Petition of Compromise :—The humble petition on behalf of the parties above reference most respectfully shewth :—

Terms of Settlement :—

- (a) that the concerned workman Shri Arjun Paswan will be reinstated without back wages within 15 days from the date he will report for his duty.
- (b) that the concerned workman will not be entitled to any wages for the period of his idleness from the date of his dismissal till the date of his resumption of his duty but, his continuity of service shall be maintained for the purpose of payment of gratuity etc.
- (c) that as a special case he will be paid Rs. 1500/- (Rupees Fifteen hundred) only towards meeting his Medical Expenses during his idle period.
2. That, in view of the above settlement there remains nothing to be adjudicated.

Under the facts circumstances stated above the Hon'ble Tribunal will be graciously pleased to accept the settlement as fair and proper and pleased to pass the Award in terms of the settlement.

For the workman :

1. Sd/- (G. D. Pandey)
Vice-President,
R. C. M. S.
2. Sd/- (Arjun Paswan)
The workman concerned.

For the employers :

1. Sd/- (J. P. Panda)
General Manager
Bhalgora Area.
2. Sd/- (P. M. Prasad)
Personnel Manager,
Bhalgora Area.

Witness :

1. Sd/- (R. K. Roy) P.A.
2. Sd/- (A. K. Jha)

by :

Sd/- Illegible, Advocate
20-8-90

क्र. अंक 280।—प्रौद्योगिक विवाद अधिनियम 1947 (1947 वा 14) की धारा 17 के अनुसार में केंद्रीय सशब्दर मैमंत्र भारत कोकिं कोल लिंग की भावना कोकिं के प्रबन्धनात्मक तथा समवृष्टि नियोजकों आर उनके कर्मकारी के बीच, अनुवृष्टि में निषिद्ध प्रौद्योगिक विवाद में केंद्रीय सरकार प्रौद्योगिक अधिकारण, (मं. 1) धनबाद के पंचाट को प्रकाशित करता है, जो केंद्रीय सरकार को 1-10-90 को प्राप्त हुआ था।।।

S.O. 280।—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1 Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bhowra (N) Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 1-10-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 180 of 1989

PARTIES :

Employers in relation to the management of Bhowra (N) Colliery CCP, M/s. BCCL.

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers.—Shri B. M. Prasad, Advocate.

For the Workmen.—Shri J. D. Lal, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, the 20th September, 1990

AWARD

By Order No. No. L-20012(147)88-I.R. (Coal-I), dated, the 24th November, 1989 the Central Govt. in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) of sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Bhowra (N) Colliery OCP, M/s. B.C.C.L. in not paying underground allowance to Shri Sheolochan Thakur and Ramadhar Saw, Tyndals w.e.f. May, 1986 is justified? If not, to what relief the workmen are entitled?”

2. The order of the reference of the present industrial dispute was received in the office of the Tribunal on 4-12-1989. Notices were issued to both the employer and the sponsoring union directing them to appear and to take steps. In response to the notice both the employer and the sponsoring union appeared through their lawyers. Shri J. D. Lal, Advocate for the sponsoring union and the concerned workmen after taking several adjournments has submitted before me that the workmen are not interested in pursuing the present industrial dispute and so appropriate order may be passed in this case.

3. Since, the concerned workmen and the sponsoring union are not interested in pursuing the present industrial dispute, I am constrained to pass a ‘no dispute’ award in this case.

This is my award.

S. K. MITRA, Presiding Officer.

[No. L-20012(147)88-I.R (Coal-I)]

का० आ० 2802— औद्योगिक विवाद प्रधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै० भेन्डुल क्लोल फील्ड्स ग्री कथारा पाण्ड ल्यांग वाशरीज के प्रबसंन्त में स्थान नियोजित हो और उनके कर्मकारों के बीच, घनवंथ में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रधिकरण, च० 2 धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को ९, १०, १० को प्राप्त हुआ था।

S.O. 2802.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2 Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Kathara and Swang Washeries of M/s. Central Coal fields and their workmen, which was received by the Central Government on the 9-10-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2 AT
DHANBAD

Reference No. 122 of 1987

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Kathara and Swang Washeries of M/s. Central Coalfields Limited, and their workmen.

APPEARANCES :

On behalf of the workman.—Shri J. P. Singh, Advocate.

On behalf of the employers.—Shri R. S. Murthy, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 1st October, 1990

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012(142)86-D.IV(B), dated, the 16th April, 1987.

SCHEDULE

“Whether the action of the Management of Kathara & Sawang Washeries of Central Coalfields Limited, P.O. Sawang (Giridih) in denying departmentalisation to S/Shri J. P. Narayan and 24 others of Kathara Washery and S/Shri Ram Nath Verma and 9 others of Sawang Washery of Central Coalfields Limited (as shown in the Annexure) when they have been working with the Management since 1972 and the work is of permanent nature, is legal and justified? If not, to what relief concerned workmen are entitled?”

ANNEXURE

LIST OF THE WORKMEN IN KATHARA
WASHERY

Sl. No.	Name
1.	Shri J. P. Narayan.
2.	Shri Oajum Ansari.
3.	Shri Tinku Saw.
4.	Shri Lokbir Singh.
5.	Shri J. Mallick.
6.	Shri G. M. Khan.
7.	Shri Jamal Khan.
8.	Shri Mahendir Singh.
9.	Shri Bilasis Kujoor.
10.	Shri Shankar Kr. Bhattacharjee.

11. Shri Noor Hasan.
12. Shri Deoki Gope.
13. Shri Dhaneswar Singh.
14. Shri Md. Kasim.
15. Shri Mukhtar Ansari.
16. Shri Nayaz Ahmad.
17. Shri Sisir Kr. Ghoshal.
18. Shri Majoot Ali.
19. Shri Shyamal Ghosh.
20. Shri D. Singh.
21. Shri Shamvu Nath.
22. Shri K. I. Nayak.
23. Shri Krishna Prasad.
24. Shri Mansoor Ali.
25. Shri Shahbuddin.

LIST OF THE WORKMEN IN SWANG WASHERY

1. Shri Ram Nath Verma.
2. Shri B. D. Mukherjee.
3. Shri Mohan Rawani.
4. Shri Jagdish Goswami.
5. Shri Baleshwar Yadav.
6. Shri Johar Mukherjee.
7. Shri Yogender Viswakarma.
8. Shri Lalan Mistri.
9. Shri Mahabir Saw.
10. Shri Molay Kumar Mukherjee.

In this case both the parties appeared and filed their respective W.S. and documents. Thereafter the case proceeded along its course. Subsequently at the stages of evidence, both the parties appeared before me and filed a Joint Compromise petition under their signature. I heard both the parties on the said petition of compromise and do find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the said petition of compromise and pass an Award in terms thereof which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer.

[No. I-24012/142/86-D:IV(B)/IR (Coal-I)]

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 DHANBAD

In the matter of Ref. No. 122/87

PARTIES

Employers in relation to the Management of Kathara and Sawang Washeries, P.O. Kathara and Sawang Central Coalfields Ltd. Distt. Giridih.

AND

Their Workmen

JOINT COMPROMISE PETITION OF THE EMPLOYERS AND THE WORKMEN

The above mentioned employers and the workmen most respectfully beg to submit jointly as follows :—

1. That the employers and the workmen have jointly negotiated the matter covered by the above reference with a view to arriving at a mutually acceptable and amicable settlement.
2. That as a result of such negotiations between the two parties, they have agreed to settle the matter covered by the above reference on the following terms and conditions :—
 - (a) It is agreed that 24 workers referred to in respect of Kathara Washery (except Sri Shyamal Ghosh) and all the 10 workers referred to in the annexure to the reference order relating to Sawang Washery will be absorbed by the Management as their direct workers within 15 days of the joint compromise petition being accepted by the Hon'ble Tribunal. The name of Sri Quaum Ansari, Noor Hasan, Major Ali, Shambhu Nath and Hd. Mansoor Ali in the case of Kathara Washery and Sri Johar Mukherjee and Moley Kumar Mukherjee in the case of Sawang Washery will be corrected respectively as Md. Qayum, Noor Hussain, Manjur Ali, Sambhu Nath Guin and Md. Mansoor of Kathara Washery and Jawahar Lal Mukherjee and Moloy Mukherjee of Sawang Washery.

xure to the reference order relating to Sawang Washery will be absorbed by the Management as their direct workers within 15 days of the joint compromise petition being accepted by the Hon'ble Tribunal. The name of Sri Quaum Ansari, Noor Hasan, Major Ali, Shambhu Nath and Hd. Mansoor Ali in the case of Kathara Washery and Sri Johar Mukherjee and Moley Kumar Mukherjee in the case of Sawang Washery will be corrected respectively as Md. Qayum, Noor Hussain, Manjur Ali, Sambhu Nath Guin and Md. Mansoor of Kathara Washery and Jawahar Lal Mukherjee and Moloy Mukherjee of Sawang Washery.

- (b) It is agreed that initially the workers referred to in Clause 'A' above will be absorbed in Daily Rated Category-I on the minimum pay of that category and on completion of three years satisfactorily service as Category I, they will be placed in Daily Rated Category-IV with the designation Pipe/Mechanical Fitter on the minimum of the pay-scale of the Category.
- (c) It is agreed that the Union drops the case of Sri Shyamal Ghosh as he left service of the Contractor sometime ago.
- (d) It is agreed that the 34 workers to be absorbed by the Management as stated in Clause (a) and (b) above will continue to perform the duties and work which they have hitherto performed while working with the contractors and any other jobs that may be entrusted to them by the Management from time to time.
- (e) It is agreed that the Management will have the right to post and transfer these workers to any other units from time to time according to its requirements.
- (f) It is agreed that this is an over all agreement in full and final settlement in respect of all the claims of the workmen and the sponsoring Union arising out of the above reference.

3. That the employers and the workmen declare and confirm hereby jointly that they consider the aforesaid terms and conditions of settlement as fair, just and reasonable to both the parties.

In view of the above the employers and the workmen jointly pray that the Hon'ble Tribunal may be pleased to accept this joint compromise petition and give an award in terms thereof and dispose of the above reference accordingly.

(R. B. TRIPATHY)

Organizing Secretary

R.C.M.S.

Kathara Area,

for and on behalf of workmen.

General Manager

Kathara Area

Central Coalfields Limited

for and on behalf of employers.

Dated, 7th Sept., 1990.

Ral. S. Murthy,
Advocate.

का. अ. 3803—प्रौद्योगिक विवाद हिन्दियम् 1947(1947 का 14)
की धर्मा 17 के अनुसार सेक्युरिय मरकार में, भारत कोकिंग कोल लिंग की आस्त कोयला थोक नं.-4 के प्रबन्धन से सम्बद्ध नियोजकों और
कर्मकारों के बीच, अन्तर्बंध में निर्दिष्ट ओप्रोविग विवाद में केन्द्रीय मरकार
प्रौद्योगिक अधिकारी, धनबाद-2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय
मरकार को 5.10.90 को प्राप्त हुआ था।

S.O.2803.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Dhanbad No. 2 as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bastacolla Colliery of M/s. Bharat Coking Coal Ltd., and their workmen, which was received by the Central Government on the 5-10-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 13 of 1986

In the matter of an industrial dispute under section 10(1)(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Bastacolla Area No. IV of M/s. B. C. C. Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen : Shri S. Bose, Secretary, R.C.M.S.

On behalf of the employers : Shri R. S. Murthy, Advocate.

State : Bihar. Industry : Coal.

Dated, Dhanbad, the 26th September, 1990

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24011(8)/85-D.IV(B) dated, the 20th December, 1985/1st January, 1986.

SCHEDULE

"Whether the action of the Management of Bastacolla Area No. IX of M/s. BCCL Ltd., PO. Jharia, Dist. Dhanbad to revert S/Shri Kalpanath Singh an Sachidanand Sirkar Supervisory Technical Grade 'A' to Clerk Special Grade 'B' w.e.f. 1-1-85 is justified? If not, to what relief the workman are entitled?".

The case of the workmen is that both the concerned workmen namely S/Shri Kalpanath Singh and Sachidanand Sirkar are permanent employees working in the capacity of Clerk special Grade till 1977 in the Area Office of Bastacolla area No. IX of M/s. BCCL. In the year 1977 some posts of clerk in Technical and Supervisory grade had fallen vacant and the 2 concerned workmen were asked by the Area management to perform the duties of the higher post. The two concerned workmen complied the said order and performed the duties of the higher post with full satisfaction of the management but their scale of pay was not upgraded for sometime. The Director (Personnel) BCCL visited Area office of Bastacolla Area No. IX on 9-11-79 and agreed to

regularise them in Technical and Supervisory Grade-A when the two concerned workmen represented before him being confirmed by the Area authority. However, the concerned workmen were not regularised in Technical and Supervisory Grade for pretty long time and they had to suffer financial and consequential loss for the latches on the part of the management. The G.M. Bastacolla area IX vide his letter dated 28-9-82 informed the headquarters of BCCL that since the two concerned workmen were made to perform duties of Technical and Supervisory Grade-A but were paid their lower scale of pay in Clerical special grade continuously for more than 4 years, the Area office will regularise them in the Technical and Supervisory Grade-A if the Area office do not receive any comment from the headquarters on the contrary. Thereafter the General Manager of Bastacolla Area No. IX vide office order dated 19-11-82 regularised both the concerned workmen in Technical and Supervisory Grade-A with effect from the date of the order i.e. from 19-11-1982. The said G.M. issued another office order dated 25-11-82 and fixed the basic pay of the two concerned workmen in Technical and Supervisory Grade A. The two aforesaid office orders were circulated to all concerned including the headquarters of BCCL but no objection was raised from any place and both the concerned workmen continued to receive salary according to the job performed by them in Technical and supervisory Grade-A as fixed by the Area G.M. Bastacolla Area No. IX who was their controlling officer. Subsequently a notice dated 29-11-84 was issued by some one from the headquarters without disclosing his name and designation reverting the two concerned workmen from Technical and Supervisory Grade-A to that of Clerical Special Grade with effect from 14-10-85. The management enforced the said order but the two concerned workmen continued to perform the duties of higher post which was being performed by them since 1977 in Technical and Supervisory Grade-A. The management have not filled up the vacancies of Technical and supervisory Grade-A post in Area No IX after replacing the two concerned workmen which goes to prove the case of the two concerned workmen that they are still working in higher post of Technical and supervisory Grade-A. The concerned workmen had become permanent in Technical and supervisory Grade-A having in higher post of Technical and Supervisory according to the standing orders applicable to the establishment. On the above facts it is submitted that the action of the management in reverting the two concerned workmen from the post of Technical and Supervisory Grade-A to Clerical Special Grade is not justified. It is prayed by the workmen that it may be held that the two concerned workmen will be deemed to have been confirmed in Technical and Supervisory Grade-A with effect from 1-1-1978 and that they are entitled to all arrears of difference of wages with consequential effects.

The case of the management is that the management of M/s. BCCL framed promotion rules in June, 1977 for the employees of ministerial cadre in consultation with the representative of the trade union functioning on the central consultative committee of the company. The sponsoring union who had raised the present industrial dispute namely RCMS was also

represented on the said committee and the decision of the said committee are binding on it. The promotion rules as finalised by the above committee were circulated by the management to the different units and also to the members of the Central Consultative Committee under Circular dated 20-6-1977. It will appear from the promotion rules that the ministerial employees have been categorised into 4 groups namely secretarial stream, general clerical stream, stores stream and accounts stream. The present case of the concerned workmen relates to the general clerical stream of which the channel of promotion is from clerical Grade-III to Clerk Grade-II and then to Clerk Grade-I and thereafter to Clerk special Grade and finally as Office Supdt. in the Technical and Supervisory Grade. The promotion rules also provide that the selection from the clerk special grade to the post of Technical and Supervisory Grade is to be made taking the clerk of special grade working in the entire company into account and the basis of selection was to be seniority-cum-merit through D.P.C. The promotion rules also provide for notification of seniority list which was published in the case of the concerned workman. The two concerned workmen figure very low in the seniority list of the clerk special grade and their term for promotion was not reached till the filling of the W.S. by the management in the case. One of the concerned workman Shri Sachidanand Sarkar superannuated from March, 1986.

The General Manager of Bastacolla area IX issued an order dated 19-11-1982 regularising the two concerned workmen in the supervisory and Technical Grade-A with immediate effect. The G.M. Bastacolla Area was not at all competent to issue the aforesaid order dated 19-11-1982. The aforesaid order dated 19-11-1982 was wholly irregular and invalid by which the two concerned workmen have superseded a large number of their seniors without any reason. This led to a representation from the seniors who were superseded by the concerned workmen. The management has been promoting clerks of special Grade to the post of Office Supdt. in the Technical and Supervisory Grade depending upon the existence of vacancies in accordance with the promotion rules by making election through D.P.C. In the present case of the concerned workmen the promotion rules were violated and the G.M. Bastacolla area promoted them without selection through a D.P.C. Moreover, the G.M. Bastacolla Area was not competent to issue the order of regularisation of the concerned workmen and he was not authorised to promote or regularise in the Technical and Supervisory Grade-A. In the face of promotion rules there can be no question of regularisation of any workmen in the higher category which amounts to backdoor method of promotion and favoritism. Thus the office order issued by the G.M. Bastacolla area was illegal and void ab initio and the concerned workmen cannot be said to be entitled to any benefit of such illegal order. The concerned workmen were also not performing any duties required to be discharged by the employees in Technical and Supervisory Grade-A/Office Supdt. When the order of the G.M. Bastacolla area regularising the concerned workmen to the post of Technical and Supervisory Grade-A came to the notice of the management of

the head office of the company and it was found that a serious illegality was committed, steps were taken by the head office, to rectify the same with a view to avoid widespread repercussion and several litigations by the senior employees who were superseded by the concerned workmen. The management therefore took necessary action for rectification of the illegal promotion and to cancel the order dated 19-11-1982. In pursuance of it the management issued notice under Section 9(A) of the I.D. Act submitted on behalf of the management that it is a concerned workmen issued by the then G.M. Bastacolla Area with effect from 1-1-1985. After the issue of the notice dated 29-1-1984 under Section 9(A) of the I.D. Act, the sponsoring union served a strike notice dated 11-12-1984 on the management which created the pendency of the conciliation proceeding. The conciliation proceeding before the ALC(C) ended in July, 1985 and thereafter the management by an order dated 14-11-1985 cancelled the order dated 19-11-1982 issued by the G.M. Bastacolla area. As a result the two concerned workmen were brought back to their previous post of Clerk Special Grade on which they were working. The management however did not recover the excess payment made to the concerned workmen. It is submitted on behalf of the management that it is a settled law that when the subordinate officials make mistakes or take action not covered by the powers delegated to them, the higher management is entitled to take necessary correction. The concerned workmen had no right to claim promotion in the post of Office Supdt. in Technical and Supervisory Grade-A and they had also no right to supersede their seniors. The two concerned workmen were not in Grade-B, but were in Clerical Special Grade and as such the reference made to the Grade-B in the reference order is a mistake for Clerical Special Grade. On the above facts it is submitted by the management that the action of the management in reverting the two concerned workmen to the post of Clerk Special Grade with effect from 14-10-1985 (and not from 1-1-1985) is justified and as such the concerned workmen are not entitled to any relief.

The point for decision in the case is whether the reversion of the two concerned workmen from supervisory and Technical Grade-A to Clerk special Grade is justified.

The workmen examined one witness and the management examined two witnesses in support of their respective case. The documents of the workmen have been marked Ext. W-1 to W-6 and the documents of the management have been marked Ext. M-1 to M-7.

It is the admitted case of the parties that both the concerned workmen were working in Clerk Special Grade and that they were regularised from Special Clerical Grade-II to Supervisory and Technical Grade-A vide order dated 19-11-1982 passed by the G.M. of Bastacolla Area. Ext W-3 is office order dated 19-11-1982 issued under the signature of Shri R. P. Gupta, G.M. of Bastacolla Area. It shows that both the concerned workmen Shri Kalpanath Singh, Shri Sachidanand Sarkar working in the Bastacolla office were regularised from Clerical Special Grade to Technical and Supervisory Grade-A with

immediate effect. It is further order in Ext. W-3 that the concerned workmen will not be entitled to any back wages and the said office order will be effected when the concerned workmen will acknowledge it as token of acceptance regarding the regularisation with immediate effect. Ext. W-6 is the office order dated 25-11-1982 by which the basic pay of the two concerned workmen were fixed in Technical and Supervisory Grade-A after their regularisation. It is also admitted case of the party that the concerned workmen continued to work in Supervisory and Technical Grade-A and were getting its pay scale till 14-10-1985 and thereafter the concerned workmen were reverted back to their previous post of Clerk Special Grade vide the order passed by the headquarters of BCCL after giving notice to the concerned workmen under Section 9(A) of the I.D. Act. Ext. M-1 is the copy of the notice under Section 9(A) of the I.D. Act dated 29-11-84 by which the notice was given to the concerned workmen expressing intention of the management to effect the change in the condition of service applicable to the concerned workman. It is stated in the Annexure to Ext. M-1 that the management has introduced a promotion policy by circular dated 20-6-1977 stating out the norms of promotion for effecting promotion of clerical staff from lower grade to higher grade. It is further stated that for consideration for promotion from Special Grade Clerk to Supervisory Grade, the seniority is counted by taking its entire organisation as one unit and the headquarters can issue the order of promotion or regularisation to a clerk in special grade on the post of Special Grade. It is further stated that the two concerned workmen were wrongly regularised in Technical and Supervisory Grade-A at the area level without following the norms of promotion/regularisation superseding their senior clerk of special grade. As the regularisation was found irregular and contrary to the form prescribed by the management the order of regularisation of the concerned workmen dated 19-11-1982 was cancelled.

Ext. M-2 dated 20-6-1977 is the promotion policy for ministerial cadre in BCCL which will show that in accordance with the promotion policy the post of Supervisory cadre are to be filled in on companywise basis and a D.P.C. was constituted to consider all the eligible candidates. The promotion to the Supervisory Grade was to be made on companywise basis against available vacancies and the D.P.C. will include eligible candidates from Areas as well as the headquarters except in the case of Finance and Accounts stream. Clause 6.1 of Ext. M-2 provide that promotion from special Grade Clerk to Supervisory Grade/Technical Supervisory Grade-A will be on the basis of the seniority-cum-merit through D.P.C. Ext. M-3 is final seniority list of special Grade Clerks working in non-financial discipline at different collieries/areas/headquarters office under BCCL. From the said list in Ext. M-3 it will appear that the name of the concerned workman Shri Kalpanath Singh is at Sl. No. 16 and that of the other concerned workman Shri Sachidanand Sirkar is at Sl. No. 52. It will thus appear that senior to the two concerned workmen were not considered for promotion from Clerical Special Grade to the Technical and Supervisory Grade-A when the two concerned

workmen were regularised by the Area General Manager vide Ext. W-3 dated 29-11-1982. As stated above the promotion policy for ministerial cadres shows that promotion from special grade to Supervisory grade will be on the basis of seniority-cum-merit through D.P.C. on companywise basis of but in the present case the two concerned workmen have been regularised in Technical and Supervisory Grade-A by the Area Manager without considering the case of the employees senior to the concerned workmen in Clerical special Grade. It will also appear that promotion can be made by the D.P.C. only but in the present case the regularisation/promotion of the concerned workmen have been done by the Area Manager and not by the D.P.C.

The case of the workmen is that the two concerned workmen were actually working in the Technical and Supervisory Grade-A from the year 1977 and that the Area Manager only regularised their service in Technical and Supervisory Grade-A after they had put in 4 years of service in Technical and Supervisory Grade-A. In support the workmen have produced a letter Ext. W-1 dated 10-12-1979 by the then General Manager to the Director Personnel showing that the concerned workmen are working in Technical and Supervisory Grade-A and that the Area Manager had requested the Director of Personnel to regularise the concerned workman in the Technical and Supervisory Grade-A and that there were six posts of Technical and Supervisory Grade-A vacant in the Area. Ext. W-2 dated 31-7-1982 is regarding proposal for procurement of additional sanction of ministerial staff in respect of Bastacolla Area office and its unit. Ext. W-4 dated 12-4-1982 is a letter from the G.M. Bastacolla area to the Director of Personnel regarding remittance amongst the members of the staff of the Bastacolla area for delay in promotion from special grade to Technical and Supervisory Grade-A. The G.M. requested for the approval of regularisation/promotion of the two concerned workmen to Technical and Supervisory Grade-A at the Area level otherwise the G.M. will himself pass the necessary order if the approval sought for is not received within 3 weeks. Ext. W-5 dated 22-4-1982 is another letter from the said G.M. of Bastacolla Area to the Dy. C.P.M. stating that the then D.P. had verbally discussion with Shri Ravendra Singh the then G.M. of Bastacolla Area while Director of Personnel visited the area on 29-11-1979 wherein he agreed for promotion of 6 staff of the Area. It appears that when no reply was received from the head office the G.M. of the Area passed the office order Ext. W-3 dated 19-11-1982 regularising the concerned workmen to the post of Supervisory and Technical Grade-A. Whatever may be the fault or delay on the part of the headquarters the G.M. cannot usurp the authority of the headquarters unless the powers of the headquarters are delegated to him. There is absolutely no evidence to show that the G.M. had been delegated with any power to promote or regularise a special grade clerk to the post of Technical and Supervisory Grade-A and as such the G.M. of Bastacolla areas had no legal authority to regularise the concerned workmen to the post of Technical and Supervisory Grade-A. The illegality of the order of the Area Manager is further highlighted by

the fact that the promotion policy of the management was given a go-by and the G.M. himself usurped the power of the D.P.C. and that too without considering the case of employees of Special Grade clerks who were senior to the concerned workmen. It has not been specifically stated on behalf of the workmen that all the seniors of the concerned workman had already been promoted to the post of Technical and Supervisory Grade-A. For all these reasons it appears that the regularisation/promotion of the concerned workmen was without any authority and was against the rules of promotion framed by the management.

The management had taken care to give a notice under section 9(A) of the I.D. Act vide Ext. M-1 while proposing to revert the two concerned workmen to their original post of Clerical Special Grade. No valid explanation has been given regarding the illegality of the order of the G.M. of Bastacolla area. The concerned workmen had no doubt received the salary of Technical and Supervisory Grade-A so long they were working but as they have been regularised by the illegal authority they were reverted back to do the work of clerical special grade. It is no doubt stated that the concerned workmen even after their reversion to the post of Clerical Special grade were doing the same duty as was being performed by them while they were in Technical and supervisory Grade-A. WW-1 is one of the concerned workman Shri. Kalpanath Singh. It will appear from his evidence that he does not know about the duties of the Office Supdt. as laid down by the management of BCCL. He further stated that the concerned workmen used to do the work of Staff Car distribution, to do and the distribution of letter received in the office, to see the attendance of the staff of the office and other work entrusted to them by the G.M. and the Senior Administrative Officer. He further stated that the other concerned workmen Shri Sachidanand Sinha used to prepare coal despatch figures used to prepare daily reports to the headquarters and to sign the delivery order in the absence of the sales Officer. MW-1 who is working in the headquarters has stated that allotment of staff car is done by any clerk of Grade-II or I. According to him the Office Supdt. is incharge of the office and all the files move through him and they keep the record of all clerks in the Area office. This witness has also worked in the area office as Personnel Officer and as such he was quite competent to say about the duties of the clerks in the Area office. MW-1 further stated that the Coal despatch clerk prepares the despatch figures of coal and maintains all the registers regarding despatch of coal. The concerned workman WW-1 does not even know the duties of the Supervisory and Technical Grade-A and it will appear from the evidence of MW-1 that the duties being performed by the two concerned workmen were actually not the duties prescribed for the employees of the Technical and Supervisory Grade-A. In this view of the matter it will appear that although the concerned workmen were regularised in Technical and Supervisory Grade-A they were actually not performing the duties of Technical and Supervisory Grade-A but were actually performing the duties of clerks of lower category according to WW-1 even after revision he is doing the same work as was being performed by him while he was in Technical and Supervisory Grade-A and this only show that he

is doing the work in the lower category and had not ever performed the duties prescribed for Technical and Supervisory Grade-A. In this view of the matter it cannot be said that the concerned workmen performing the duties of Technical and Supervisory Grade-A even after their reversion of the concerned workmen to the post of Special Grade Clerk.

In view of the discussions made above I hold that the management was justified in reverting the concerned workmen from Technical and Supervisory Grade-A to their previous post of Clerical Special Grade as the order of their promotion/regularisation was illegal and without any legal authority.

In the result, I hold that the action of the management of Bastailla Area No. IX of M/s. BCCL to revert the concerned workmen S|Shri Kalpanath Singh and Sachidanand Sarkar from Supervisory and Technical Grade-A to Clerk Special Grade with effect from 14-10-1985 (not from 1-1-85) is justified and consequently the concerned workmen are entitled to no relief.

This is my award.

I. N. SINHA, Presiding Officer
[No. L-24011(8)|85-D.IV(B)|IR(Coal-I)]
K. J. DYVAPRASAD, Desk Officer

नई विस्तृति 12 अक्टूबर, 1990

वा.आ. 2800 श्रीधोगिक विधाद प्रधिनियम, 1947 (1947 का 14) की धरा 17 के प्रभुरूप में, केन्द्रीय सरकार भर्ती स्टेट बैंक बैंकरण के प्रबन्धनालय के भवन नियोजनों के ऊपर उनके वर्तकारों के बीच, में निर्दिष्ट श्रीधोगिक विधाद में केन्द्रीय सरकार श्रीधोगिक विधाद के अम/व्यापक कानपुर के पंचकट नो प्रकाशित करती, जो केन्द्रीय सरकार द्वारा 12. 10. 90 को प्राप्त हुआ था।

New Delhi, the 12th October, 1990

S.O. 2800.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur, as shown in the Annexure in the industrial dispute between the employers in relation to the management of State Bank of India, Dehradun and their workmen, which was received by the Central Government on 12-10-90.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
PANDU NAGAR, KANPUR

Industrial Dispute No. 63 of 1990

In the matter of dispute between :

Dy. General Secretary,
State Bank of India Staff Association,
State Bank Colony,
Raipur Road,
Dehradun-248001

AND

Regional Manager,
State Bank of India,
Region-I,
Regional Office,
52 Raipur Road,
Dehradun-248001

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12011/21/89-IR(B-3) dt. 7-2-90 has referred the following dispute to adjudication to this Tribunal.

"Kya State Bank of India, Dehradun Key Prabandhan ka Unki Raipur Shakha key Karmkaro key dated 5-9-88 key ek Din ke vatan katauti Karney key Nirdesh uchit Hai ? Yadi Nahi to Karmkar kis anutosh key Adhikari Hai ?"

2. In this case despite issue of several notice to the Union, none appeared nor filed claim statement till 27-8-90. It thus appears that the union is not interested in contesting the case. In these circumstances a no claim award is given against the Union.

3. Reference is answered against the union.

ARJAN DEV, Presiding Officer.

[No. L-12011/21/89-IR(B.III)]

का.प्रा. 2805—श्रीघोषिक विधाय अधिनियम, 1947(1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार अमृता प्राप्ति वैक आगरा के प्रबन्धताल के संबंध नियोजनों द्वारा उनके कर्मकारों के बीच, अमृत्यु में निर्धारित श्रीघोषिक विधाय के केन्द्रीय सरकार श्रीघोषिक अधिकारण बनाम व्यायालय आमतौर के प्रबन्ध को प्रकाशित करनी है, जो केन्द्रीय सरकार को 12-10-90 को प्राप्त हुआ था।

S.O. 2805.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Central Government Industrial Tribunal-cum-Labour Court-Kanpur as shows in the Annexure in the industrial dispute between the employers in relation to the management of Jamuna Gramin Bank, Agra and their workmen, which was received by the Central Government on 12-10-90.

ANNEXURE

Before Shri Arjan Dev, Presiding Officer Central Government Industrial Tribunal-cum-Labour Court, Pandu Nagar, Kanpur.

Industrial Dispute No. 140 of 1988

In the matter of dispute between :

Shri Ram Kumar
S/o Shri Panna Lal
Vijaighat
District Aligarh

AND

The Chairman
Jamuna Gramin Bank
240 New Agra
Delhi Kanpur Highway
Agra

AWARD

1. The Central Govt., Ministry of Labour, vide its notification no. L-12012/02/88D-4(K)/D-3(A)

dt. 25th Oct., 1989, has referred the following dispute for adjudication to this Tribunal :

"Whether the Chairman, Jamuna Gramin Bank, Agra was justified in terminating the services of Shri Ram Kumar s/o Shri Panna Lal, Driver w.e.f. 2-9-85 in violation of Sec. 25F of the I.D. Act? If not, to what relief the workman was entitled to?"

2. The workman's case in short is that he was appointed as Driver in the service of Jamuna Gramin Bank Agra, on 27-2-84. On 2-9-85 in the forenoon his services were terminated by means of order dt. 2-9-85 illegally and in violation of the provisions of Sec. 25F I.D. Act. On 31-5-84, 30-8-84 and 31-8-84, he was given artificial breaks. He was paid wages for the period 1-12-84 to 12-11-84 against debit slip on the back of which instead of obtaining his signatures, the signature of one Shri T P Rana clerk were obtained. Against the termination of his services he made a representation on 18-9-85 but it was turned down with the remark that in his case there did not arise the question of payment of retrenchment compensation. He has, therefore, prayed that he be reinstated with continuity of service, with full back wages and all consequential benefits.

3. In defence, the management deny the case set up by the workman that he had been in continuous service from 27-2-84 to 2-9-85. The fact is that he was appointed for a period of 90 days from 1st June 1984 to 29th August 1984 at a fixed salary of Rs. 400 per month. The management also deny the claim of the workman that he had worked from 1-11-84 to 12-11-84. The payments for the said period was made to one Sh. Ram Kumar for the work done by him for 12 days. The regular vacancy of driver cum-messenger was created in the bank w.e.f. 1st December 1984 vide resolution dt. 18th December, 1984, of the Board of Directors. It was against the said vacancy that the workman was appointed as Driver-cum-Messenger on probation for a period of one year from 1st December, 1984. His services were terminated by the bank w.e.f. 2nd September, 1985 as per regulation no. 8, clause (3) of Jamuna Gramin Bank Staff Service Regulation, 1984. At the time of termination of his services he was paid all his dues. There was no violation of the provision of Sec. 25F of I.D. Act. In fact during the period of probation his services were found unsatisfactory and not up to the mark. He was given a cheque for Rs. 667.12 paisa dt. 2-9-85 in lieu of one month's notice.

4. In his rejoinder, the workman has denied that he was paid all his dues at the time of termination of his services. He was not paid mileage allowance, washing allowance, dress allowance and overtime. The rest of the facts alleged are merely reiteration of the facts alleged by him in his claim statement.

5. In support of his case, the workman has filed his own affidavit and a number of documents. On the other hand in support of his case the manage-

ment have filed the affidavit of Shri J. S. Yadav, Manager, and a number of documents.

6. Ext. W-2 is the copy of appointment letter dt. 31-5-84. By means of it the workman was appointed as a temporary Driver-cum-Messenger from 1-6-84 to 29-5-84 for a period of 90 days.

7. Ext. W-3 is the copy of appointment letter dt. 30-11-84. By means of it the workman was appointed as driver-cum-messenger on probation for a period of one year.

8. It thus becomes evident from the above two documents that his appointment whether temporary or permanent was as Driver-cum-messenger and not as driver as has been alleged by him in para 2 of his claim statement. Annexure II to the affidavit of the management witness is a copy of Jamuna Gramin Bank Staff Services Regulation 1984. Its formal proof have been waived by the authorised representative for the workman. From Regulations (3) and (4) it appears that there is no independent post of Driver or Messenger as such in the bank.

9. The next point to be considered is whether or not, while terminating the services of the workman, the management violated the provisions of section 25 of I.D. Act. It is admitted position of the parties that the workman had worked from 1-6-84 to 29-8-84 in a temporary capacity and from 1-12-84 to 1-9-85 against a permanent vacancy on probation for a period of one year. It will be clear that during the period of one year prior to the termination of his services, had worked for more than 240 days and there is no challenge to this fact with regard to number of days even from the side of the side of the authorised representative for the management. Further it is admitted case of the parties that the workman was not paid retrenchment compensation. He was simply paid one month's salary in lieu of notice. This fact has been even admitted by the workman in para 4 of his cross examination.

10. The provisions of sec. 25F of I.D. Act are mandatory. Having worked continuously for a period of one year within the meaning of sec. 25B I.D. Act, in view of non-compliance of sec. 25F the management must be held as having violated the provisions of Sec. 25F of I.D. Act.

11. I may state here that reliance was placed by the authorised representative for the management regulation no. 8(3) of the Staff Service Regulations, 1984; which lays down that in the case of direct appointment the services may be terminated by one month's notice or payment of one month's emoluments in lieu thereof. According to the authorised representative for the management, it nowhere lays down payment of any retrenchment compensation to a probationer. It is true but this provision in the Staff Service Regulation cannot over ride the mandatory provisions of Sec. 25 of I.D. Act, which even applies to the case of probationer.

12. Thus I hold the order of termination as ILLEGAL. The ordinarily relief the workman would have been granted the relief of reinstatement with continuity of service and full back wages but unfortunately in the instant case, this relief cannot be granted to him. In his cross examination, the workman has admitted that on 10-10-87 he met with an accident resulting in a injury to his right arm. Because of septic the whole of his arm but for minor length of 4" from the shoulder joint had to be amputated. It means therefore that he cannot now drive a vehicle and this fact that he is not now in a position to drive a vehicle has even been admitted before me by the workman himself.

13. With reference to the Staff Service Regulation of the Bank, I have shown that there is no post of messenger as such in the Bank. However, in his cross examination the management when recalled by the Tribunal, in his cross examination admitted that there is independent post of Messenger in the Bank. Such a post does exist in the Head office and in Branches. He was also inquired about the duties of the Messenger. According to him the duties of a messenger consists of carrying of Banks Book, taking of Stationery, Parcels, Cleaning of Furnitures, Working on Duplicating Machine and Carrying of Dak on a Cycle. Looking to the nature of duties, it is clear that the duties described by the management witness cannot be even properly discharged by the workman. Because of the amputation of his right arm he cannot even drive a cycle. The books of the bank which include ledger and cash books are not easy to carry. They are quite heavy and have to be lifted with both the hands.

14. It has been submitted by Sardar Amreek Singh, the authorised representative for the management that the services of the workman were dispensed with because his work was found unsatisfactory. In this connection he was drawn any attention to Annexure, V of the affidavit of the management witness. Below the receipt of copy of it the authorised representative for the workman has made an endorsement in the date 2-5-90 admitting the signatures of the workman on it. From this it appears that the workman often expressed his unwillingness to discharge the duties of messenger. He always considered himself as Driver. It is further alleged in this memo dt. 27-7-85 addressed to the workman that on account of his negligent driving of the vehicle the bank had to suffer a loss on account of resulting in a lot of inconvenience to the staff, when in it reference was also made to a recent incident resulting in a lot of inconvenience to the staff, when against the expressed instruction he drove the jeep into the deep water. It was only with the help of the people of the village that the staff could come out of the Jeep.

15. Whatever might be the case, one thing is clear that the order of termination cannot be upheld. It being illegal and that workman cannot be reinstated in view of not being in a position to discharge the duties of driver-cum-messenger to which post he was appointed. I think that it is a fit case where damages should be awarded to him.

From para 3 of the written statement and from para 1 of the affidavit it is evident that the last pay of the workman was Rs. 625.42 paisa per month. While fixing the amount of damages we will have to keep in mind the fact that after 10-10-87, the date on which he met with an accident resulting into amputation of his right arm he became handicapped for services. Therefore, I put the amount of damages at Rs. 25000/-.

16. Held that the action of the Chairman, Jamuna Gramin Bank Area in terminating the services of Shri Ram Kumar w.e.f. 2-9-85, was illegal and unjustified. In view of this finding and in the light of the circumstances referred to above he is awarded a sum of Rs. 25,000-- as compensation.

17. The reference is answered accordingly.

ARJAN DEV, Presiding Officer.
[No. L-12012/88-D.IV(A)/D.III(A)]
S. C. SHARMA, Desk Officer.

रोजगार एवं प्रशिक्षण महानिदेशक

12 अक्टूबर, 1990

मादेश

नई दिल्ली

का. आ. 28.06.—केन्द्रीय सरकार, शिक्षा अधिनियम 1961 (1961 का 52). की धारा 8 की उपधारा (i) के अनुसरण में, केन्द्रीय शिक्षा एवं विद्यालय से परामर्श करने के पश्चात् यह अवधारित करती है कि नीचे दी गई सारणी के स्तरम् 2 में विनियिट प्राप्तिहित व्यवसायों के निम्न सा. का. नं. 8, तारीख 29 दिसंबर, 1960

(Directorate General of Employment & Training.)

ORDER

New Delhi, dated the 11th October, 1990

S.O. 2806—In pursuance of sub-section (i) of section 8 of the Apprentices Act, 1961 (52 of 1961), the Central Government after consultation with Central Apprenticeship Council, hereby determines that for the designated trades specified in column 2 of the table below the existing ratio of trade apprentices to workers (other than unskilled) specified earlier under GSR. 8, dated the 29th December 1966, GSR. 2461, dated the 19th September, 1975 and GSR. 54, dated 18th January, 1986, in respect of those trades may be substituted as per the ratio indicated in column 3 hereunder against the appropriate trade.

TABLE

Sl. No.	Designated trades	Ratio of trade apprentices to workers other than unskilled workers.
(1)	(2)	(3)
5.	Hand Compositor	1 : 15
6.	Lino Operator	1 : 15
7.	Mono Key Board Operator	1 : 15
8.	Mono Caster Operator	1 : 15
7.	Letter Press Machine Minder	1 : 10
11.	Rctoucher Lithographic	1 : 4
12.	Engraver	1 : 7
40.	Plate Maker (Lithographic)	1 : 3
41.	Litho Offset Machine Minder	1 : 2

[No. DGET- 2(3)/89-AP]
SHINGARA SINGH, Under Secy.

